



The Journal OF THE *House of Representatives*

Number 40

Wednesday, April 28, 2010

The House was called to order by the Speaker at 9:00 a.m.

Prayer

The following prayer was offered by Pastor Bill Bess of First Presbyterian Church of Havana, upon invitation of Rep. Kriseman:

Most High God and only Holy Adonai, bless all those assembled as they do the work of governing the great state of Florida. May the work they have accomplished and the tasks that still lay ahead be prepared and concluded in a spirit of wisdom, kindness, and justice, tempered with mercy. Help them to always use their authority to serve the people faithfully and to promote the general welfare of all the people of Florida, especially those living on life's margins. May our decisions help the citizens to live securely in peace, knowing that we have given our best to serve the people by whom we were chosen. We ask this from the One with whom we live in covenant, from now and for all time. Amen.

The following members were recorded present:

Session Vote Sequence: 1006

Speaker Cretul in the Chair.

Abruzzo	Flores	Llorente	Roberson, Y.
Adams	Ford	Long	Rogers
Adkins	Fresen	Lopez-Canera	Rouson
Aubuchon	Frishe	Mayfield	Sachs
Bembry	Gaetz	McBurney	Sands
Bernard	Galvano	McKeel	Saunders
Bogdanoff	Garcia	Murzin	Schenck
Bovo	Gibbons	Nehr	Schultz
Boyd	Gibson	Nelson	Schwartz
Brandenburg	Glorioso	O'Toole	Skidmore
Braynon	Gonzalez	Pafford	Snyder
Brisé	Grady	Patronis	Soto
Burgin	Grimsley	Patterson	Stargel
Bush	Hasner	Plakon	Steinberg
Cannon	Hays	Planas	Taylor
Carroll	Heller	Poppell	Thompson, G.
Chestnut	Holder	Porth	Thompson, N.
Clarke-Reed	Homan	Precourt	Thurston
Coley	Hooper	Proctor	Tobia
Cretul	Horner	Rader	Van Zant
Crisafulli	Hudson	Randolph	Waldman
Cruz	Hukill	Ray	Weatherford
Domino	Jenne	Reagan	Weinstein
Dorworth	Jones	Reed	Williams, A.
Drake	Kelly	Rehwinkel Vasilinda	Williams, T.
Eisnaugle	Kiar	Renuart	Wood
Evers	Kreegel	Rivera	Workman
Fetterman	Kriseman	Robaina	Zapata
Fitzgerald	Legg	Roberson, K.	

(A list of excused members appears at the end of the *Journal*.)

A quorum was present.

Pledge

The members, led by the following, pledged allegiance to the Flag: Shannon Henry of Tallahassee at the invitation of Rep. A. Williams; Tyler Murray of Tallahassee at the invitation of Rep. A. Williams; Reece Poppell of Tallahassee at the invitation of Rep. Rehwinkel Vasilinda; Katarina Sinor of Jacksonville at the invitation of Rep. Jones; and Jenna Volpe of Winter Haven at the invitation of Rep. Wood.

House Physician

The Speaker introduced Dr. Ava E. Phoenix of Jacksonville, who served in the Clinic today upon invitation of Rep. Gibson.

Correction of the *Journal*

The *Journal* of April 27 was corrected and approved as corrected.

Reports of Standing Councils and Committees

Reports of the Rules & Calendar Council

The Honorable Larry Cretul

April 27, 2010

Speaker, House of Representatives

Dear Mr. Speaker:

Your Rules & Calendar Council herewith submits the Special Order for Wednesday, April 28, 2010. Consideration of the Senate bills on Special Orders shall include the House Companion measures on the House Calendar.

I. Consideration of the following bills:

CS/CS/SB 2176 - General Government Appropriations, Banking and Insurance, & others
Insurance [CPSC]

CS/CS/CS/SB 550 - Policy and Steering Committee on Ways and Means, Governmental Oversight and Accountability, & others
Environmental Protection [EPSC]

CS/SB 814 - Children, Families, and Elder Affairs, Aronberg, & others
Lifeline Telecommunications Service [EPSC]

A quorum was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,
Bill Galvano, Chair
 Rules & Calendar Council

On motion by Rep. Galvano, the above report was adopted.

Bills and Joint Resolutions on Third Reading

CS/CS/HB 447 was temporarily postponed.

CS/CS/HB 7209 was temporarily postponed.

HB 7217—A bill to be entitled An act relating to Florida Hurricane Catastrophe Fund emergency assessments; amending s. 215.555, F.S.; delaying the repeal of an exemption from certain emergency assessments provided for medical malpractice insurance premiums and the subjection of such premiums to emergency assessments; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1007

Speaker Cretul in the Chair.

Yeas—111

Adams	Fitzgerald	Legg	Roberson, Y.
Adkins	Flores	Llorente	Rogers
Anderson	Ford	Long	Rouson
Aubuchon	Fresen	Lopez-Cantera	Sachs
Bembry	Frishe	Mayfield	Sands
Bernard	Gaetz	McBurney	Saunders
Bogdanoff	Galvano	McKeel	Schenck
Bovo	Garcia	Murzin	Schultz
Boyd	Gibbons	Nehr	Schwartz
Brandenburg	Gibson	Nelson	Skidmore
Braynon	Glorioso	O'Toole	Snyder
Brisé	Gonzalez	Pafford	Soto
Burgin	Grady	Patronis	Stargel
Bush	Hasner	Plakon	Steinberg
Cannon	Hays	Planas	Taylor
Carroll	Heller	Poppell	Thompson, G.
Chestnut	Holder	Porth	Thompson, N.
Clarke-Reed	Homan	Precourt	Thurston
Coley	Hooper	Proctor	Tobia
Cretul	Horner	Rader	Van Zant
Crisafulli	Hudson	Randolph	Waldman
Cruz	Hukill	Ray	Weatherford
Culp	Jenne	Reagan	Weinstein
Domino	Jones	Reed	Williams, A.
Drake	Kelly	Rehwinkel Vasilinda	Williams, T.
Eisnaugle	Kiar	Renuart	Wood
Evers	Kreegel	Rivera	Workman
Fetterman	Kriseman	Roberson, K.	

Nays—1

Patterson

Votes after roll call:

Yeas—Ambler, Bullard, Grimsley, Robaina, Troutman

So the bill passed and was immediately certified to the Senate.

CS/CS/HB 513 was temporarily postponed.

CS for CS for CS for SB 2086—A bill to be entitled An act relating to consumer debt collection; creating s. 559.5556, F.S.; requiring a consumer debt collection agency to maintain records; amending s. 559.565, F.S.; increasing the administrative fine imposed against an out-of-state consumer debt collector that fails to register as required; revising provisions relating to

authorized activities of the Attorney General; amending s. 559.715, F.S.; revising requirements for providing written notice of the assignment of debt; amending s. 559.72, F.S.; revising prohibited acts with respect to consumer debt collection; revising provisions governing violations of communication procedures; amending s. 559.725, F.S.; revising provisions relating to consumer complaints about a consumer collection agency; authorizing the Attorney General to take action against a person for violations involving debt collection; creating s. 669.726, F.S.; providing for the issuance of subpoenas by the Office of Financial Regulation; creating s. 559.727, F.S.; authorizing the office to issue cease and desist orders; amending s. 559.730, F.S.; revising provisions relating to administrative remedies; increasing the maximum penalty; authorizing the Financial Services Commission to adopt rules relating to penalty guidelines; amending s. 559.77, F.S., relating to civil remedies; conforming provisions to federal law; providing an effective date.

—was read the third time by title.

On motion by Rep. Grady, CS for CS for CS for SB 2086 was substituted for HB 7233. Under Rule 5.13, the House bill was laid on the table.

Representative Hudson offered the following:

(Amendment Bar Code: 039919)

Amendment 1 (with title amendment)—Remove line 437 and insert:

Section 10. The Division of Statutory Revision is directed to redesignate the title of part II of chapter 559, Florida Statutes, consisting of ss. 559.101-559.116, as "Debt Settlement Services."

Section 11. Effective January 1, 2011, section 559.101, Florida Statutes, is created to read:

559.101 Short title.—This part may be cited as the "Debt Settlement Services Act."

Section 12. Effective January 1, 2011, section 559.102, Florida Statutes, is created to read:

559.102 Definitions.—As used in this part, the term:

(1) "Commission" means the Financial Services Commission.

(2) "Control person" means an individual, partnership, corporation, trust, or other organization that possesses the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. The term includes, but is not limited to:

(a) A company's executive officers, including the president, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, director, or other individuals having similar status or functions.

(b) For a corporation, each shareholder who, directly or indirectly, owns 10 percent or more, or who has the power to vote 10 percent or more, of a class of voting securities, unless the applicant is a publicly traded company.

(c) For a partnership, all general partners and limited or special partners who have contributed 10 percent or more, or who have the right to receive upon dissolution 10 percent or more, of the partnership's capital.

(d) For a trust, each trustee.

(e) For a limited liability company, all managing members and those members who have contributed 10 percent or more, or who have the right to receive upon dissolution 10 percent or more, of the partnership's capital.

(3) "Debt settlement organization" means a person who provides or offers to provide debt settlement services for compensation.

(4) "Debt settlement services" means services, other than foreclosure-related rescue services, provided to a debtor with the expectation of obtaining the creditor's agreement to accept less than the principal amount of a debt in full satisfaction of the debt.

(5) "Debtor" means an individual who obtains credit, seeks a credit agreement with a creditor, or owes money to a creditor.

(6) "Enrolled debt" means the amount of debt at the time the contract for debt settlement services is entered but does not include any increases in the amount of debt or additional fees or penalties applied to the debt after services included in the contract are initiated.

(7) "Financial analysis" means the review of an individual's budget, income, expenses, and debt by the debt settlement organization in order to determine the individual's suitability for additional debt settlement services provided by the organization.

(8) "Office" means the Office of Financial Regulation of the Financial Services Commission.

(9) "Person" has the same meaning as provided in s. 1.01.

(10) "Service contract" means the agreement for services between a debt settlement organization and a debtor.

Section 13. Effective January 1, 2011, section 559.103, Florida Statutes, is created to read:

559.103 Powers and duties of the Office of Financial Regulation; fees.—

(1) The office is responsible for the administration and enforcement of this part.

(2) The office may conduct an investigation of any person if the office has reason to believe, upon complaint or otherwise, that any violation of this part may have been committed or is about to be committed.

(3) All fees, charges, and fines collected pursuant to this part shall be deposited in the State Treasury to the credit of the Regulatory Trust Fund under the office.

Section 14. Effective January 1, 2011, section 559.104, Florida Statutes, is created to read:

559.104 Rules.—The commission may adopt rules to administer this part, including rules that:

(1) Require electronic submission of any forms, documents, or fees required under this part.

(2) Establish time periods during which an applicant for registration is barred from registration or a registered debt settlement organization is barred from renewal due to prior criminal convictions of, or guilty or nolo contendere pleas by, any of the applicant's or registrant's control persons, regardless of adjudication.

(a) The rules must provide:

1. Permanent bars for felonies involving money laundering, breach of trust, dishonesty, embezzlement, fraud, fraudulent conversion, misappropriation of property, racketeering, or theft;

2. A 15-year disqualifying period for felonies involving moral turpitude;

3. A 7-year disqualifying period for all other felonies; and

4. A 5-year disqualifying period for misdemeanors involving fraud, dishonesty, or any other act of moral turpitude.

(b) The rules may provide for an additional waiting period due to dates of imprisonment or community supervision, the commitment of multiple crimes, and other factors reasonably related to the applicant's criminal history.

(c) The rules may provide for mitigating factors for crimes identified in subparagraph (a)2. However, the mitigation may not result in a period of disqualification less than 7 years. The rule may not mitigate the disqualifying periods in subparagraphs (a)1., (a)3., and (a)4.

(d) An applicant is not eligible for registration until the expiration of the disqualifying period set by rule.

(e) Section 112.011 is not applicable to eligibility for registration under this part.

Section 15. Effective January 1, 2011, section 559.105, Florida Statutes, is created to read:

559.105 Exceptions.—This part does not apply to:

(1) A person licensed to practice law in this state who is providing debt settlement services.

(2) A person who engages in debt settlement services to adjust the indebtedness owed to such person.

(3) The following entities or their subsidiaries:

(a) The Federal National Mortgage Association.

(b) The Federal Home Loan Mortgage Corporation.

(c) The Florida Housing Finance Corporation created pursuant to s. 420.504.

(d) Any financial institution as defined in s. 655.005(1)(h).

(e) A consumer reporting agency as defined in the Federal Fair Credit Reporting Act, 15 U.S.C. s. 1681a.

Section 16. Effective January 1, 2011, section 559.106, Florida Statutes, is created to read:

559.106 Registration of debt settlement organization.—

(1) Effective April 1, 2011, each person who acts as a debt settlement organization in this state must be registered in accordance with this section. This applies to debt settlement organizations operating in this state or from another state, regardless of whether such organization is registered, licensed, or the equivalent in accordance with the laws of another state.

(2) In order to apply for registration, an applicant must submit:

(a) A completed registration application form as prescribed by commission rule which includes the name and principal business address and e-mail address of the debt settlement organization.

(b) A registration fee of \$1,000. The registration fee is nonrefundable and may not be prorated for a partial year of registration.

(c) Fingerprints for the applicant and each of the applicant's control persons in accordance with rules adopted by the commission.

1. The fingerprints may be submitted to the office or a vendor acting on behalf of the office.

2. The office may contract with a third-party vendor to provide live-scan fingerprinting in lieu of a paper fingerprint card.

3. A state criminal history background check must be conducted through the Department of Law Enforcement, and a federal criminal history background check must be conducted through the Federal Bureau of Investigation.

4. All fingerprints submitted to the Department of Law Enforcement must be submitted electronically and entered into the statewide automated fingerprint identification system established in s. 943.05(2)(b) and available for use in accordance with s. 943.05(2)(g) and (h). The office shall pay an annual fee to the department to participate in the system and inform the department of any person whose fingerprints are no longer required to be retained.

5. The costs of fingerprint processing, including the cost of retaining the fingerprints, shall be borne by the person subject to the background check.

6. The office is responsible for reviewing the results of the state and federal criminal history checks and determining whether the applicant meets registration requirements.

(d) Submit documentation demonstrating that the surety bond requirements specified in s. 559.108 have been satisfied.

(e) Submit additional information or documentation requested by the office and required by rule concerning the applicant or a control person of the applicant. Additional information may include documentation of pending and prior disciplinary and criminal history events, including arrest reports and certified copies of charging documents, plea agreements, judgments and sentencing documents, documents relating to pretrial intervention, orders terminating probation or supervised release, final administrative agency orders, or other comparable documents that may provide the office with the appropriate information to determine eligibility for registration.

(3) An application is considered received for the purposes of s. 120.60 upon the office's receipt of the completed application form, all required documentation, criminal history information, the application fee, and all applicable fingerprinting processing fees.

(4) The office shall issue a debt settlement organization registration to each applicant who is not otherwise ineligible and who meets the requirements of this section. However, it is a ground for denial of registration if the applicant or one of the applicant's control persons:

(a) Has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any felony, any crime involving racketeering, fraud, theft, embezzlement, fraudulent conversion, breach of trust, misappropriation of property, dishonesty, or moral turpitude;

(b) Has committed any violation specified in s. 559.113;

(c) Is the subject of a pending felony criminal prosecution or a prosecution or an administrative enforcement action, in any jurisdiction, which involves fraud, racketeering, embezzlement, fraudulent conversion, misappropriation of property, theft, dishonesty, breach of trust, or any other act of moral turpitude;

(d) Pays the office any fee, fine, or other amount with a check or electronic transmission of funds which fails to clear the applicant's financial institution;

(e) Makes a material misstatement on any application, document, or record required to be submitted under this part or the rules of the commission; or

(f) Has been the subject of any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, or other adverse action by any state or federal agency.

(5) A registration issued under this section expires annually on March 31, unless canceled, suspended, revoked, or otherwise terminated, and must be renewed as provided under s. 559.107.

Section 17. Effective April 1, 2011, section 559.107, Florida Statutes, is created to read:

559.107 Registration renewal.—

(1) In order to renew a debt settlement organization registration, a debt settlement organization must submit:

(a) A completed registration renewal form as prescribed by commission rule.

(b) Fingerprints, in accordance with s. 559.106, for any new control persons who have not been screened.

(c) Any additional information or documentation requested by the office and required by rule concerning the registrant or control person of the registrant. Additional information may include documentation of any pending and prior disciplinary and criminal history events, including arrest reports and certified copies of charging documents, plea agreements, judgments and sentencing documents, documents relating to pretrial intervention, orders terminating probation or supervised release, final administrative agency orders, or other comparable documents that may provide the office with the appropriate information to determine eligibility for renewal of registration.

(d) A nonrefundable renewal fee of \$750 and nonrefundable fees to cover the cost of further fingerprint processing and retention as set forth in commission rule.

(2) The office may not renew a debt settlement organization registration unless the registrant continues to meet the minimum requirements for initial registration pursuant to s. 559.106 and adopted rule.

Section 18. Effective January 1, 2011, section 559.108, Florida Statutes, is created to read:

559.108 Financial requirements; surety bond; disclosure.—A debt settlement organization must:

(1) Obtain and maintain at all times insurance coverage for employee dishonesty, depositor's forgery, and computer fraud in an amount not less than the greater of \$100,000 or 10 percent of the monthly average of the aggregate of all deposits made by debtors to the organization for distribution to creditors for the 6 months immediately preceding the date of initial application for or renewal of the insurance. The deductible on such coverage may not exceed 10 percent of the face amount of the policy coverage.

(2) Obtain and maintain a surety bond from a surety company authorized to do business in this state. The amount and form of the bond shall be specified by rule and must be at least \$50,000 but may not exceed \$1 million. The rule must provide allowances for business volume. The bond shall be in favor of the state for the use and benefit of any debtor who suffers or sustains any loss or damage by reason of any violation of this part. Pursuant to initial registration and renewal, each applicant shall furnish to the office:

(a) The original executed surety bond issued by a surety company authorized to do business in this state.

(b) A statement from the surety company that the premium for the bond has been paid in full by the applicant.

(c) A statement from the surety company that the bond issued by the surety company meets the requirements of this part. The liability of the surety company under any bond issued pursuant to this section may not, in the aggregate, exceed the amount of the bond regardless of the number or amount of any claims filed or which might be asserted against the surety on such bond. If multiple claims are filed which collectively exceed the amount of the bond, the surety may pay the full amount of the bond to the office and is not further liable under the bond. The office shall hold such funds for distribution to claimants and administratively determine and pay to each claimant a pro rata share of each valid claim made within 6 months after the date the first claim is filed against the surety.

Section 19. Effective January 1, 2011, section 559.109, Florida Statutes, is created to read:

559.109 Maintenance of records.—

(1) Each registered debt settlement organization shall maintain, at the principal place of business designated on the registration, all books, accounts, records, and documents necessary to determine the registrant's compliance with this part.

(2) The office may authorize the maintenance of records at a location other than a principal place of business. The office may require books, accounts, and records to be produced and available at a reasonable and convenient location in this state.

(3) The commission may prescribe by rule the minimum information to be shown in the books, accounts, records, and documents of registrants so that such records enable the office to determine the registrant's compliance with this part.

(4) All books, accounts, records, documents, and receipts of any payment transaction must be preserved and kept available for inspection by the office for at least 5 years after the date the transaction is completed. The commission may prescribe by rule requirements for the destruction of books, accounts, records, and documents retained by the registrant after the completion of the required 5-year period.

Section 20. Effective January 1, 2011, section 559.111, Florida Statutes, is created to read:

559.111 Financial analysis; service contracts.—

(1) Before a debtor signs a service contract, the debt settlement organization shall prepare, retain a copy of, and provide to the debtor a written financial analysis specific to the debtor which includes an evaluation of the debtor's income, expenses, and all debts. An additional fee may not be charged for the financial analysis.

(2) Based on the completed financial analysis, the debt settlement organization shall provide to the debtor, and retain a copy of, a written determination of the debtor's suitability for debt settlement services and whether the debtor can reasonably meet the requirements of the service contract, including the debtor's ability to save the amount estimated to be needed to fund the settlement of the debt.

(3) The service contract between the debt settlement organization and the debtor must be signed and dated by the debtor and include all of the following:

(a) The following statement in at least 12-point uppercase type at the top of the service contract:

IMPORTANT: IT IS RECOMMENDED THAT YOU CONTACT YOUR CREDITORS BEFORE SIGNING THIS CONTRACT. YOUR CREDITORS MAY BE WILLING TO DIRECTLY NEGOTIATE A SETTLEMENT, INTEREST RATE REDUCTION, MODIFICATION, PAYMENT PLAN, OR RESTRUCTURING OF YOUR DEBT FREE OF CHARGE.

YOUR USE OF DEBT SETTLEMENT SERVICES MAY RESULT IN LATE FEES, ADDITIONAL DEBTS, AND AN ADVERSE CREDIT RATING. YOU SHOULD CONTACT YOUR CREDITOR FOR MORE INFORMATION.

(b) A full and detailed description of the services to be performed by the debt settlement organization for the debtor, including the financial analysis determining the suitability of the debtor for debt settlement services, all guarantees and all promises of full or partial refunds, the estimated date or length of time by which the services are to be performed, and a copy of the Florida Debt Settlement Services Act.

(c) All terms and conditions of payment, including the anticipated total of all payments to be made by the debtor and the estimated amount of any payments to be made to the debt settlement organization or to any other person.

(d) The debt settlement organization's principal business address and the name and address of its agent in the state authorized to receive service of process.

(e) A clear and conspicuous statement in boldface type, in immediate proximity to the space reserved for the debtor's signature, which states: "You, the debtor, may cancel this service contract at any time before midnight of the 5th business day after the date of signing this contract. (See the attached notice of right to cancel for further explanation of this right.)"

(f) A notice of right to cancel attached to the contract, in duplicate and easily detachable, which contains the following statement in at least 12-point uppercase type:

NOTICE OF RIGHT TO CANCEL

YOU MAY CANCEL ANY CONTRACT FOR DEBT SETTLEMENT SERVICES WITHIN 5 BUSINESS DAYS AFTER THE DATE THE CONTRACT IS SIGNED BY YOU WITHOUT INCURRING ANY PENALTY OR OBLIGATION.

YOUR PAYMENT MUST BE RETURNED TO YOU WITHIN 10 BUSINESS DAYS AFTER RECEIPT OF YOUR CANCELLATION NOTICE.

TO CANCEL THIS CONTRACT, YOU MUST MAIL OR DELIVER A SIGNED AND DATED COPY OF THIS CANCELLATION NOTICE OR ANY OTHER WRITTEN NOTICE CLEARLY INDICATING YOUR DESIRE TO CANCEL YOUR CONTRACT.

TO: ...(name of debt settlement organization)...

AT: ...(address)...

BY SIGNING AND DATING THIS NOTICE, I HEREBY CANCEL MY SERVICE CONTRACT, EXECUTED ON: ...(date service contract signed)...

...(Signature of Debtor)...

...(Date)...

...(Address)...

...(Phone Number)...

(4) The debt settlement organization must provide the debtor, at the time the documents are signed, with a copy of the completed service contract as described in subsection (3) and all other documents the organization requires the debtor to sign.

Section 21. Effective January 1, 2011, section 559.112, Florida Statutes, is created to read:

559.112 Prohibited acts.—

(1) A debt settlement organization may not, directly or indirectly, charge or accept from a debtor:

(a) Any payment for services before the execution of a written service contract.

(b) A fee or contribution greater than \$50 for the initial setup or initial consultation.

(c) A fee or contribution for debt settlement services that exceeds 40 percent of the realized savings. As used in this paragraph, the term "realized savings" means the difference between the amount of the enrolled debt and the amount paid to the creditor in discharge of the enrolled debt. However, such fee or contribution collected for debt settlement services, in the aggregate, may not exceed 20 percent of the enrolled debt.

(d) For a service contract requiring payment of a fee or contribution on a monthly basis, a fee or contribution for debt settlement services that exceeds 20 percent of the enrolled debt. Such fees or contributions may only be collected under this paragraph by apportioning the collection of the fees or contributions pro rata throughout at least one-half of the estimated term of the debt settlement services.

A fee or contribution authorized under this subsection is not a part of, and may not be included in the calculation of, the total enrolled debt.

(2) A debt settlement organization may not:

(a) Advise any debtor, directly or indirectly, against contacting or communicating with her or his creditors before or during the service contract period.

(b) Make or use any false or misleading representations or omit any material fact in connection with the offer, sale, or provision of services, or engage, directly or indirectly, in any fraudulent, false, misleading,

unconscionable, unfair, or deceptive act or practice in connection with the offer or sale of any of the services of a debt settlement organization.

(c) Provide services to a debtor without executing a service contract that complies with s. 559.111.

(d) Fail to provide copies of the financial analysis, all service contracts, and any other documents the debtor is required to sign as provided under s. 559.111.

(e) Fail to perform any of the terms, conditions, and obligations provided in the service contract with the debtor.

(f) Fail to disclose on any offer or sale of services, including any Internet website, the debt settlement organization's name, business address, telephone number, and e-mail address, if any.

(g) Fail to provide the debtor with a 5-business-day right of cancellation without the debtor incurring any penalty or obligation.

(h) Fail to report on a form prescribed by commission rule any change to information contained in an initial application form or any amendment to the application within 30 days after the change is effective.

(i) Fail to comply with any of the provisions of this part.

Section 22. Effective January 1, 2011, section 559.113, Florida Statutes, is created to read:

559.113 Debtor complaints; administrative duties.—

(1) The office shall receive and maintain records of correspondence and complaints from debtors concerning any person who provides debt settlement services, including any debt settlement organization.

(2) The office shall inform and furnish relevant information to the appropriate regulatory body if a debt settlement organization exempt from registration under this part has been named in consumer complaints alleging violations of this part.

(3) The office shall investigate complaints and record the resolution of such complaints.

(4) A debt settlement organization that provides or attempts to provide debt settlement services without first registering in accordance with this part is subject to a penalty of up to \$25,000 in addition to the other remedies provided in this part and under part II of chapter 501. The office shall advise the appropriate state attorney, or the Attorney General, of any determination by the office of a violation of this part by any debt settlement organization that is not registered as required by this part. The office shall furnish the state attorney or Attorney General with the office's information concerning the alleged violations of such requirements. The enforcing authority is entitled to reasonable attorney's fees and costs in any action brought to enforce this part against an unregistered debt settlement organization.

(5) A registered debt settlement organization must provide a written response to the office within 20 days after receipt of a written request from the office for information concerning a consumer complaint. The response must address the issues and allegations raised in the complaint. The office may impose an administrative fine of up to \$2,500 per request per day upon any registrant that fails to comply with this subsection.

Section 23. Effective January 1, 2011, section 559.114, Florida Statutes, is created to read:

559.114 Subpoenas.—

(1) The office may:

(a) Issue and serve subpoenas and subpoenas duces tecum to compel the attendance of witnesses and the production of all books, accounts, records, and other documents and materials relevant to an investigation conducted by the office. The office, or its authorized representative, may administer oaths and affirmations to any person.

(b) Seek subpoenas or subpoenas duces tecum from any court to command the appearance of witnesses and the production of books, accounts, records, and other documents or materials at a time and place named in the subpoenas, and an authorized representative of the office may serve such subpoenas.

(2) If there is substantial noncompliance with a subpoena or subpoena duces tecum issued by the office, the office may petition the court in the county where the person subpoenaed resides or has her or his principal place of business for an order requiring the person to appear, testify, or produce such books, accounts, records, and other documents as are specified in the subpoena or subpoena duces tecum.

(3) The office is entitled to the summary procedure provided in s. 51.011, and the court shall advance such cause on its calendar. Attorney's fees and any other costs incurred by the office to obtain an order granting, in whole or in part, a petition for enforcement of a subpoena or subpoena duces tecum shall be taxed against the subpoenaed person, and failure to comply with such order is a contempt of court.

(4) To aid in the enforcement of this part, the office may require or permit a person to file a statement in writing, under oath or otherwise as the office determines, as to all the facts and circumstances concerning the matter to be investigated.

Section 24. Effective January 1, 2011, section 559.115, Florida Statutes, is created to read:

559.115 Cease and desist orders.—The office may issue and serve upon any person an order to cease and desist and to take corrective action if it has reason to believe the person is violating, has violated, or is about to violate any provision of this part, any rule or order issued under this part, or any written agreement between the person and the office. All procedural matters relating to issuance and enforcement of such order are governed by the Administrative Procedure Act.

Section 25. Effective January 1, 2011, section 559.116, Florida Statutes, is created to read:

559.116 Violations; penalties.—

(1) A person who violates any provision of this part commits an unfair or deceptive trade practice as defined in part II of chapter 501 and is also subject to the penalties, remedies, and enforcement actions provided therein. Further, any debtor injured by a violation of this part may bring an action for recovery of damages. Judgment shall be entered for actual damages, but in no case less than the amount paid by the debtor to the debt settlement organization plus reasonable attorney's fees and costs.

(2) The office may impose an administrative fine on, or revoke or suspend the registration of a registrant who has committed a violation of this part. Final action to fine, suspend, or revoke the registration of a registrant is subject to review in accordance with chapter 120.

(a) The office may impose suspension rather than revocation of a registration if circumstances warrant that one or the other should be imposed and the registrant demonstrates that the registrant has taken affirmative steps that can be expected to effectively eliminate the violations and that the registrant's registration has never been previously suspended.

(b) In addition to, or in lieu of suspension or revocation of a registration, the office may impose an administrative fine of up to \$25,000 per violation. The office shall adopt rules establishing guidelines for imposing administrative penalties.

(3) A person who provides debt settlement services in this state without first registering with the office, or who registers or attempts to register by means of fraud, misrepresentation, or concealment, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 26. Effective January 1, 2011, paragraph (g) of subsection (1) of section 516.07, Florida Statutes, is amended to read:

516.07 Grounds for denial of license or for disciplinary action.—

(1) The following acts are violations of this chapter and constitute grounds for denial of an application for a license to make consumer finance loans and grounds for any of the disciplinary actions specified in subsection (2):

(g) Any violation of part III of chapter 817 or part II of chapter 559 or of any rule adopted under part II of chapter 559.

Section 27. Sections 559.10, 559.11, 559.12, and 559.13, Florida Statutes, are repealed.

Section 28. Effective July 1, 2010, the sums of \$261,938 in recurring funds and \$213,767 in nonrecurring funds are appropriated from the Regulatory Trust Fund of the Department of Financial Services to the Office of Financial Regulation, and four full-time equivalent positions with the associated salary rate of 187,707 are authorized, for the purpose of administering this act during the 2010-2011 fiscal year.

Section 29. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect October 1, 2010.

TITLE AMENDMENT

Remove lines 28-29 and insert:

conforming provisions to federal law; providing a directive to the Division of Statutory Revision; creating s. 559.101, F.S.; providing a short title; creating s. 559.102, F.S.; providing definitions; creating s. 559.103, F.S.; providing the powers of the Office of Financial Regulation; creating s. 559.104, F.S.; authorizing the Financial Services Commission to adopt rules; creating s. 559.105, F.S.; providing exceptions from the applicability of provisions regulating debt settlement services; providing an exception for attorneys representing clients; creating s. 559.106, F.S.; requiring debt settlement organizations to be registered with the office; providing a registration fee; requiring background screening of applicants and control persons; providing grounds for registration issuance or denial; requiring annual renewal; creating s. 559.107, F.S.; requiring registration renewal; creating s. 559.108, F.S.; requiring a debt settlement organization to obtain certain insurance coverage and a surety bond and to provide proof of such bond to the office; creating s. 559.109, F.S.; requiring a debt settlement organization to maintain records; creating s. 559.111, F.S.; requiring a debt settlement organization to prepare a financial analysis for the debtor; providing for service contracts; requiring certain provisions to be included in such contracts; requiring the debt settlement organization to provide the debtor with copies of all signed documents; creating s. 559.112, F.S.; prohibiting certain acts by debt settlement organizations; providing penalties; creating s. 559.113, F.S.; providing for debtor complaints to the office; providing procedures and office duties, including administrative penalties; creating s. 559.114, F.S.; providing for the issuance of subpoenas by the office; creating s. 559.115, F.S.; authorizing the office to issue cease and desist orders; creating s. 559.116, F.S.; declaring that violations of the part are deceptive and unfair trade practices; providing administrative penalties; specifying violations that result in criminal penalties; amending s. 516.07, F.S.; conforming a cross-reference; repealing ss. 559.10, 559.11, 559.12, and 559.13, F.S., relating to budget planning; providing an appropriation and authorizing additional positions; providing effective dates.

Rep. Hudson moved the adoption of the amendment.

Point of Order

Rep. Grady raised a point of order, under Rule 12.8(b)(3), that the amendment substantially expanded the scope of the bill and was not germane.

The Chair [Speaker Cretul] referred the point to Rep. Galvano, Chair of the Rules & Calendar Council, for a recommendation.

Rep. Galvano, Chair of the Rules & Calendar Council, in speaking to the point of order on Amendment 1 to CS for CS for CS for SB 2086, stated that the amendment was not germane because it substantially expanded the scope of bill by creating a new act within Chapter 559. Rep. Galvano recommended that the point be well taken.

The Chair [Speaker Cretul], upon the recommendation of Rep. Galvano, Chair of the Rules & Calendar Council, ruled the point well taken and the amendment out of order.

The question recurred on the passage of CS for CS for CS for SB 2086. The vote was:

Session Vote Sequence: 1008

Speaker Cretul in the Chair.

Yeas—114

Abruzzo	Aubuchon	Bovo	Brisé
Adams	Bembry	Boyd	Burgin
Adkins	Bernard	Brandenburg	Bush
Anderson	Bogdanoff	Braynon	Cannon

Carroll	Gonzalez	Nehr	Sands
Chestnut	Grady	Nelson	Saunders
Clarke-Reed	Hasner	O'Toole	Schenck
Coley	Hays	Pafford	Schultz
Cretul	Heller	Patronis	Schwartz
Crisafulli	Holder	Patterson	Skidmore
Cruz	Homan	Plakon	Snyder
Culp	Hooper	Poppell	Soto
Domino	Horner	Precourt	Stargel
Dorworth	Hudson	Proctor	Steinberg
Drake	Hukill	Rader	Taylor
Eisnaugle	Jenne	Randolph	Thompson, G.
Evers	Jones	Ray	Thompson, N.
Fetterman	Kelly	Reagan	Thurston
Fitzgerald	Kear	Reed	Tobia
Flores	Kreegel	Rehwinkel Vasilinda	Van Zant
Ford	Kriseman	Legg	Waldman
Fresen	Long	Llorente	Weatherford
Frishe	Long	Robaina	Weinstein
Gaetz	Lopez-Cantera	Roberson, K.	Williams, A.
Galvano	Mayfield	Roberson, Y.	Williams, T.
Garcia	McBurney	Rogers	Wood
Gibbons	McKeel	Rouson	Workman
Gibson	Murzin	Sachs	
Glorioso			

Nays—None

Votes after roll call:

Yeas—Ambler, Bullard, Grimsley, Planas, Troutman

So the bill passed and was immediately certified to the Senate.

CS/CS/CS/HB 617 was temporarily postponed.

SB 2470—A bill to be entitled An act relating to regional transportation; creating the Northeast Florida Regional Transportation Study Commission; providing for membership and organization; providing for reimbursement of expenses; providing for removal and suspension of commission members; providing for the Jacksonville Transportation Authority to staff the commission; providing for funding of the commission; providing that the costs of staffing and the amount of funding are determined by the board of the Jacksonville Transportation Authority; providing for committees within the commission; providing for commission meetings; providing for the commission to make available to the public its meeting minutes, reports, and recommendations and publish its reports and recommendations electronically; directing the authority to make its Internet site available for such purposes; requiring the commission to submit reports to the Governor and the Legislature; providing that a county's membership in the commission and participation of a county's appointees does not constitute consent of the county to inclusion within the jurisdiction of a regional transportation authority; providing for expiration and termination of the commission; amending s. 8, ch. 2009-89, Laws of Florida; revising the due date for the Northwest Florida Regional Transportation Planning Organization to complete a study and make recommendations to the Legislature concerning advance-funding the costs of capacity projects in its member counties; providing for funding of the study; providing an effective date.

—was read the third time by title.

On motion by Rep. Gibson, SB 2470 was substituted for CS/HB 1297. Under Rule 5.13, the House bill was laid on the table.

The question recurred on the passage of SB 2470. The vote was:

Session Vote Sequence: 1009

Speaker Cretul in the Chair.

Yeas—116

Abruzzo	Adkins	Bembry	Bogdanoff
Adams	Aubuchon	Bernard	Bovo

Boyd	Galvano	Mayfield	Rogers
Brandenburg	Garcia	McBurney	Rouson
Braynon	Gibbons	McKeel	Sachs
Brisé	Gibson	Murzin	Sands
Burgin	Glorioso	Nehr	Saunders
Bush	Gonzalez	Nelson	Schenck
Cannon	Grady	O'Toole	Schultz
Carroll	Grimsley	Pafford	Schwartz
Chestnut	Hasner	Patronis	Skidmore
Clarke-Reed	Hays	Patterson	Snyder
Coley	Heller	Plakon	Soto
Cretul	Holder	Planas	Stargel
Crisafulli	Homan	Poppell	Steinberg
Cruz	Hooper	Porth	Taylor
Culp	Homer	Precourt	Thompson, G.
Domino	Hudson	Proctor	Thompson, N.
Dorworth	Hukill	Rader	Thurston
Drake	Jenne	Randolph	Tobia
Eisnaugle	Jones	Ray	Van Zant
Evers	Kelly	Reagan	Waldman
Fetterman	Kiar	Reed	Weatherford
Fitzgerald	Kreegel	Rehwinkel Vasilinda	Weinstein
Flores	Kriseman	Renuart	Williams, A.
Ford	Legg	Rivera	Williams, T.
Fresen	Llorente	Robaina	Wood
Frishe	Long	Roberson, K.	Workman
Gaetz	Lopez-Cantera	Roberson, Y.	Zapata

Nays—None

Votes after roll call:

Yeas—Ambler, Anderson, Bullard, Troutman

So the bill passed and was immediately certified to the Senate.

CS for CS for CS for SB 846—A bill to be entitled An act relating to residential fire sprinkler requirements; amending s. 553.73, F.S.; prohibiting incorporation into the Florida Building Code certain mandatory residential fire sprinkler provisions of the International Residential Code; providing an exception; amending s. 633.025, F.S.; prohibiting the requirement of property owners to install fire sprinklers in residential properties based on the use of that property as a rental property or any change in or reclassification of the property's primary use to a rental property; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1010

Speaker Cretul in the Chair.

Yeas—112

Abruzzo	Drake	Hukill	Randolph
Adams	Eisnaugle	Jenne	Ray
Adkins	Evers	Jones	Reagan
Anderson	Fetterman	Kelly	Reed
Aubuchon	Fitzgerald	Kiar	Rehwinkel Vasilinda
Bembry	Flores	Kreegel	Renuart
Bernard	Ford	Kriseman	Rivera
Bogdanoff	Fresen	Legg	Robaina
Bovo	Frishe	Llorente	Roberson, K.
Boyd	Gaetz	Long	Roberson, Y.
Brandenburg	Galvano	Lopez-Cantera	Rogers
Braynon	Garcia	Mayfield	Rouson
Brisé	Gibbons	McBurney	Sachs
Burgin	Gibson	McKeel	Sands
Bush	Glorioso	Murzin	Schenck
Cannon	Gonzalez	Nehr	Schultz
Carroll	Grady	Nelson	Schwartz
Chestnut	Grimsley	O'Toole	Skidmore
Clarke-Reed	Hasner	Patronis	Snyder
Coley	Hays	Patterson	Soto
Cretul	Heller	Plakon	Stargel
Crisafulli	Holder	Planas	Steinberg
Cruz	Homan	Poppell	Thompson, G.
Culp	Hooper	Porth	Thompson, N.
Domino	Horner	Precourt	Thurston
Dorworth	Hudson	Proctor	Tobia

Van Zant	Weatherford	Williams, A.	Wood
Waldman	Weinstein	Williams, T.	Workman

Nays—3

Pafford	Saunders	Taylor
---------	----------	--------

Votes after roll call:

Yeas—Ambler, Bullard, Troutman

Yeas to Nays—Garcia, Rehwinkel Vasilinda

So the bill passed and was immediately certified to the Senate.

CS for CS for SB 982—A bill to be entitled An act relating to underground facility damage prevention and safety; amending s. 556.101, F.S.; prohibiting municipalities, counties, districts, and other local governments from enacting ordinances or rules that conflict with ch. 556, F.S.; amending s. 556.103, F.S.; requiring that the board of directors of Sunshine State One-Call of Florida, Inc., present to the Governor and Legislature an annual report that includes a summary of reports issued by the clerks of court; amending s. 556.105, F.S.; requiring that an excavator provide the Sunshine State One-Call of Florida, Inc., system with certain specified information not less than 10 full business days before beginning an excavation or demolition beneath the waters of the state; prohibiting the use of such information by member operators for sales or marketing purposes; deleting obsolete provisions; removing provisions requiring the premarking of certain proposed excavation sites; requiring a mutually agreed excavation plan for high-priority excavations; amending s. 556.106, F.S.; removing redundant provisions that provide a limited waiver of sovereign immunity for the state and its agencies and subdivisions arising from matters involving underground facilities; amending s. 556.107, F.S.; providing increased penalties for noncriminal infractions of the Sunshine State One-Call of Florida, Inc., system; requiring each clerk of court to submit a report to Sunshine State One-Call of Florida, Inc., by a specified date listing each violation that has been filed in the county during the preceding calendar year; amending s. 556.109, F.S.; specifying circumstances under which an excavator shall not notify the Sunshine State One-Call of Florida, Inc., system that there is an emergency; amending s. 556.110, F.S.; deleting a provision that limits assessments against a member operator who receives fewer than 10 notifications in any month; creating s. 556.114, F.S.; providing requirements for low-impact marking practices; providing procedures and methods to mark areas of excavation; requiring Sunshine State One-Call of Florida, Inc., to establish an educational program for the purpose of informing excavators and member operators about low-impact marking practices; creating s. 556.115, F.S.; requiring Sunshine State One-Call of Florida, Inc., to create a voluntary alternative dispute resolution program that is open to all member operators, excavators, and other stakeholders; requiring the voluntary users of the alternative dispute resolution program to choose the form of alternative dispute resolution to be used; requiring that the costs of using the voluntary program be borne by the users; providing that unless binding arbitration is the chosen method of alternative dispute resolution, the users or any one of such users may end the process at any time and proceed in a court of competent jurisdiction or before the Division of Administrative Hearings; creating s. 556.116, F.S.; defining the terms "high-priority subsurface installations" and "incident"; providing that if an excavation is proposed within 15 feet of a high-priority subsurface installation and is identified as such by the facility operator, the facility operator must notify the excavator of the existence of the high-priority subsurface installation and mark its location before excavation may begin; requiring an excavator to notify the operator of the excavation start time in the vicinity of a high-priority subsurface installation; providing that an alleged infraction that results in an incident must be reported to the system by an operator or an excavator; providing that the system shall transmit incident reports to the Division of Administrative Hearings; providing that the system and the division may contract for the division to conduct proceedings; providing that the division has jurisdiction to determine the facts and law concerning an alleged incident; authorizing the division to impose a fine on a violator if the

violation was a proximate cause of the incident; providing procedures, venue, and standard of proof; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1011

Speaker Cretul in the Chair.

Yeas—112

Abruzzo	Fetterman	Kriseman	Roberson, Y.
Adams	Flores	Legg	Rogers
Adkins	Ford	Llorente	Rouson
Anderson	Fresen	Long	Sachs
Aubuchon	Frishe	Lopez-Cantera	Sands
Bembry	Gaetz	Mayfield	Saunders
Bernard	Galvano	McBurney	Schenck
Bogdanoff	Garcia	McKeel	Schultz
Bovo	Gibbons	Murzin	Schwartz
Boyd	Gibson	Nehr	Skidmore
Brandenburg	Glorioso	Nelson	Snyder
Braynon	Gonzalez	O'Toole	Soto
Brisé	Grady	Pafford	Stargel
Burgin	Grimsley	Patterson	Steinberg
Bush	Hasner	Plakon	Taylor
Cannon	Hays	Planas	Thompson, G.
Carroll	Heller	Poppell	Thompson, N.
Chestnut	Holder	Porth	Thurston
Clarke-Reed	Homan	Precourt	Tobia
Coley	Hooper	Proctor	Van Zant
Cretul	Horner	Rader	Waldman
Crisafulli	Hudson	Ray	Weatherford
Cruz	Hukill	Reagan	Weinstein
Culp	Jenne	Reed	Williams, A.
Domino	Jones	Rehwinkel Vasilinda	Williams, T.
Dorworth	Kelly	Renuart	Wood
Eisnaugle	Kiar	Rivera	Workman
Evers	Kreegel	Roberson, K.	Zapata

Nays—None

Votes after roll call:

Yeas—Ambler, Bullard, Fitzgerald, Robaina, Troutman

So the bill passed and was immediately certified to the Senate.

CS for SB 1118—A bill to be entitled An act relating to docks; amending s. 258.42, F.S.; authorizing the placement of roofs on certain residential single-family docks; amending s. 403.061, F.S.; authorizing the Department of Environmental Protection to adopt rules that include special criteria for approving certain docking facilities in shellfish harvesting waters; deleting an obsolete provision; authorizing the department to maintain a list of projects or activities for applicants to consider when developing proposals in order to meet mitigation or public interest requirements; directing the department to expand online self-certification for certain exemptions and general permits and to report on such activities to the Legislature; prohibiting local governments from specifying the method or form for documenting that a project meets specified requirements; amending s. 403.813, F.S.; clarifying provisions relating to permits issued at district centers to authorize the use of different construction materials or minor deviations when replacing or repairing docks and piers; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study and submit a report to the Board of Trustees of the Internal Improvement Trust Fund and the Legislature on the effects of regulation relating to submerged lands on private, residential multifamily docks or piers; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1012

Speaker Cretul in the Chair.

Yeas—113

Abruzzo	Fitzgerald	Legg	Rouson
Adams	Flores	Llorente	Sachs
Adkins	Ford	Long	Sands
Anderson	Fresen	Lopez-Cantera	Saunders
Aubuchon	Frishe	Mayfield	Schenck
Bembry	Gaetz	McBurney	Schultz
Bernard	Galvano	McKeel	Schwartz
Bogdanoff	Garcia	Murzin	Skidmore
Bovo	Gibbons	Nehr	Snyder
Boyd	Gibson	Nelson	Soto
Brandenburg	Glorioso	O'Toole	Stargel
Braynon	Gonzalez	Pafford	Steinberg
Brisé	Grady	Patterson	Taylor
Bush	Grimsley	Plakon	Thompson, G.
Cannon	Hasner	Planas	Thompson, N.
Carroll	Hays	Poppell	Thurston
Chestnut	Heller	Porth	Tobia
Clarke-Reed	Holder	Precourt	Van Zant
Coley	Homan	Proctor	Waldman
Cretul	Hooper	Rader	Weatherford
Crisafulli	Horner	Ray	Weinstein
Cruz	Hudson	Reagan	Williams, A.
Culp	Hukill	Reed	Williams, T.
Domino	Jenne	Renuart	Wood
Dorworth	Jones	Rivera	Workman
Drake	Kelly	Robaina	Zapata
Eisnaugle	Kiar	Roberson, K.	
Evers	Kreegel	Roberson, Y.	
Fetterman	Kriseman	Rogers	

Nays—1

Rehwinkel Vasilinda

Votes after roll call:

Yeas—Ambler, Bullard, Burgin, Troutman

So the bill passed, as amended, and was immediately certified to the Senate.

SB 1136—A bill to be entitled An act relating to firesafety inspections; amending s. 633.081, F.S.; providing exceptions to certain local government firesafety inspection requirements; amending s. 633.082, F.S.; specifying inspection requirements for fire hydrants owned by governmental entities; authorizing local government utilities to comply using designated employees; specifying responsibility for ensuring the qualification of designated employees to make inspections; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1013

Speaker Cretul in the Chair.

Yeas—114

Abruzzo	Cruz	Grimsley	McBurney
Adams	Culp	Hasner	McKeel
Adkins	Domino	Hays	Murzin
Anderson	Dorworth	Heller	Nehr
Aubuchon	Drake	Holder	Nelson
Bembry	Eisnaugle	Homan	O'Toole
Bernard	Evers	Hooper	Pafford
Bogdanoff	Fetterman	Horner	Patterson
Bovo	Fitzgerald	Hudson	Plakon
Boyd	Flores	Hukill	Planas
Brandenburg	Ford	Jenne	Poppell
Braynon	Fresen	Jones	Porth
Brisé	Frishe	Kelly	Precourt
Burgin	Gaetz	Kiar	Proctor
Bush	Galvano	Kreegel	Rader
Carroll	Garcia	Kriseman	Ray
Chestnut	Gibbons	Legg	Reagan
Clarke-Reed	Gibson	Llorente	Reed
Coley	Glorioso	Long	Rehwinkel Vasilinda
Cretul	Gonzalez	Lopez-Cantera	Renuart
Crisafulli	Grady	Mayfield	Rivera

Robaina	Schenck	Taylor	Weinstein
Roberson, K.	Schultz	Thompson, G.	Williams, A.
Roberson, Y.	Schwartz	Thompson, N.	Williams, T.
Rogers	Skidmore	Thurston	Wood
Rouson	Snyder	Tobia	Workman
Sachs	Soto	Van Zant	Zapata
Sands	Stargel	Waldman	
Saunders	Steinberg	Weatherford	

Nays—None

Votes after roll call:

Yeas—Ambler, Bullard, Troutman

So the bill passed and was immediately certified to the Senate.

CS for SB 2046—A bill to be entitled An act relating to employee leasing companies; amending s. 468.5245, F.S.; deleting the requirement that an employee leasing company obtain approval of the Board of Employee Leasing Companies before changing the name or location of a company; providing that board approval is not required before the purchase or acquisition of a company if a controlling person in the company is licensed; deleting provisions requiring board approval prior to existing stockholder or partners of a company acquiring control of a company; amending s. 468.528, F.S.; providing that failure to timely pay a license renewal fee subjects the licensee to disciplinary action; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1014

Speaker Cretul in the Chair.

Yeas—113

Abruzzo	Fitzgerald	Legg	Rouson
Adams	Flores	Llorente	Sachs
Adkins	Ford	Long	Sands
Anderson	Fresen	Lopez-Cantera	Saunders
Aubuchon	Frishe	Mayfield	Schenck
Bembry	Gaetz	McBurney	Schultz
Bernard	Galvano	McKeel	Schwartz
Bovo	Garcia	Murzin	Skidmore
Boyd	Gibbons	Nehr	Snyder
Brandenburg	Gibson	Nelson	Soto
Braynon	Glorioso	O'Toole	Stargel
Brisé	Gonzalez	Pafford	Steinberg
Burgin	Grady	Patterson	Taylor
Bush	Grimsley	Plakon	Thompson, G.
Cannon	Hasner	Planas	Thompson, N.
Carroll	Hays	Poppell	Thurston
Chestnut	Heller	Porth	Tobia
Clarke-Reed	Holder	Precourt	Van Zant
Coley	Homan	Proctor	Waldman
Cretul	Hooper	Rader	Weatherford
Crisafulli	Horner	Ray	Weinstein
Cruz	Hudson	Reagan	Williams, A.
Culp	Hukill	Reed	Williams, T.
Domino	Jenne	Rehwinkel Vasilinda	Wood
Dorworth	Jones	Renuart	Workman
Drake	Kelly	Robaina	Zapata
Eisnaugle	Kiar	Roberson, K.	
Evers	Kreegel	Roberson, Y.	
Fetterman	Kriseman	Rogers	

Nays—None

Votes after roll call:

Yeas—Ambler, Bullard, Troutman

So the bill passed and was immediately certified to the Senate.

CS for CS for SB 1152—A bill to be entitled An act relating to the Florida Funeral, Cemetery, and Consumer Services Act; amending s. 497.005, F.S.; defining the terms "direct supervision" and "general supervision" as they

relate to supervision by funeral directors and embalmers; expanding the definition of the term "legally authorized person" to include certain persons designated by a decedent pursuant to certain types of authority; amending s. 497.101, F.S.; revising qualifications for the membership of the Board of Funeral, Cemetery, and Consumer Services; amending s. 497.103, F.S.; authorizing the waiver of certain provisions during a state of emergency; amending s. 497.140, F.S.; authorizing fees for certain inspections of licensees; amending s. 497.141, F.S.; prohibiting the issuance or renewal of a license to an applicant that has specified criminal records under certain circumstances; authorizing a licensing authority of the Department of Financial Services to adopt rules; authorizing the licensing authority to require the submission of applications in an online electronic format; authorizing fees for applications submitted in a paper format; amending s. 497.142, F.S.; requiring an applicant for renewal of a license to disclose certain criminal offenses; requiring an applicant for issuance or renewal of a license to disclose certain criminal pleas; requiring the licensing authority to adopt rules for the disclosure of criminal records; authorizing an exception from disclosure requirements for previously disclosed criminal records; amending s. 497.143, F.S.; revising legislative intent; authorizing the licensing authority to adopt rules for the issuance of limited licenses to certain persons licensed outside the state; revising eligibility and application requirements for a limited license; amending s. 497.147, F.S.; deleting limits on the continuing education credit provided for attendance at board meetings; amending s. 497.152, F.S.; providing that certain criminal pleas are a ground for denial of an application or discipline of a licensee under ch. 497, F.S.; amending s. 497.161, F.S.; authorizing the department to adopt rules that temporarily suspend or modify certain provisions during and following a state of emergency; amending s. 497.162, F.S.; revising which nonlicensed personnel are required to complete a course on communicable diseases; extending the time for completion of the course; amending s. 497.166, F.S.; conforming terminology to changes made by the act; amending s. 497.277, F.S.; authorizing a cemetery company to charge a fee for performing specified duties related to certain cemetery sales contracts; requiring disclosure of the charges; exempting charges from certain trust deposit requirements; authorizing the department to adopt rules; amending s. 497.278, F.S.; authorizing a cemetery company to require certain persons and firms to show proof of certain insurance coverage; prohibiting a cemetery company from setting certain insurance coverage limits; amending s. 497.365, F.S.; prohibiting the embalming of human remains except by certain licensees; amending s. 497.372, F.S.; revising certain functions construed to be the practice of funeral directing; prohibiting a funeral director from engaging in the practice of funeral directing except under certain circumstances; providing an exception; requiring that the Board of Funeral, Cemetery, and Consumer Services adopt rules; providing that certain provisions of state law do not prohibit a funeral director from being designated the licensed funeral director in charge of a cineration facility; revising the acts that are exempt from regulation as the practice of funeral directing; amending s. 497.373, F.S.; revising the educational and examination requirements for licensure of funeral directors by examination; revising requirements for the supervision of provisional licensees; amending s. 497.374, F.S.; revising the examination requirements for licensure of funeral directors by endorsement; amending s. 497.375, F.S.; establishing educational requirements for funeral director intern licensees; revising the application requirements for funeral director intern licensees; revising requirements for the supervision of funeral director interns; providing for the expiration of funeral director intern licenses; prohibiting the renewal of funeral director intern licenses except under certain circumstances; authorizing rules for the renewal of funeral director intern licenses; providing for license renewal fees; amending s. 497.376, F.S.; deleting provisions requiring rules for the display of certain licenses; amending s. 497.378, F.S.; conforming the continuing education requirements for funeral directors and embalmers to the repeal by the act of provisions requiring a course on HIV and AIDS; authorizing the licensing authority to adopt rules for the renewal of funeral director and embalmer licenses; amending s. 497.380, F.S.; providing duties of a funeral director in charge of a funeral establishment; requiring a funeral director in charge to have an embalmer license and providing exceptions; requiring the reporting of a change in the funeral director in charge of a funeral establishment; requiring

certain licensees to display their licenses in funeral establishments; creating s. 497.4555, F.S.; authorizing a preneed licensee to charge a fee for performing certain duties related to a preneed contract; requiring disclosure of the charges; exempting charges from certain trust deposit requirements; authorizing the department to adopt rules; amending s. 497.456, F.S.; authorizing requirements that certain claims forms be sworn and notarized; amending s. 497.464, F.S.; deleting a requirement that trust payments for preneed contracts be deposited in this state; requiring that funds discharging a preneed contract be disbursed from the trust under certain circumstances; amending s. 497.602, F.S.; revising the course requirements for a direct disposer license; deleting provisions requiring rules for the display of certain licenses; amending s. 497.603, F.S.; requiring the licensing authority to adopt rules for the renewal of direct disposer licenses; requiring a course on communicable diseases; conforming the continuing education requirements for direct disposers to the repeal by the act of provisions requiring a course on HIV and AIDS; amending s. 497.604, F.S.; requiring a direct disposal establishment to have a licensed funeral director act as the direct disposer in charge and providing exceptions; requiring certain licensees to display their licenses in direct disposal establishments; repealing s. 497.367, F.S., relating to a continuing education course required for funeral directors and embalmers on HIV and AIDS; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1015

Speaker Cretul in the Chair.

Yeas—116

Abruzzo	Evers	Kreegel	Roberson, K.
Adams	Fetterman	Kriseman	Roberson, Y.
Adkins	Fitzgerald	Legg	Rogers
Ambler	Flores	Llorente	Rouson
Anderson	Ford	Long	Sachs
Aubuchon	Fresen	Lopez-Cantera	Sands
Bembry	Frishe	Mayfield	Saunders
Bernard	Gaetz	McBurney	Schenck
Bogdanoff	Galvano	McKeel	Schultz
Bovo	Garcia	Murzin	Schwartz
Boyd	Gibbons	Nehr	Skidmore
Brandenburg	Gibson	Nelson	Snyder
Braynon	Glorioso	O'Toole	Soto
Brise	Gonzalez	Pafford	Stargel
Burgin	Grady	Patterson	Steinberg
Bush	Grimsley	Plakon	Taylor
Cannon	Hasner	Planas	Thompson, G.
Carroll	Hays	Poppell	Thompson, N.
Chestnut	Heller	Porth	Thurston
Clarke-Reed	Holder	Precourt	Tobia
Coley	Homan	Proctor	Van Zant
Cretul	Hooper	Rader	Waldman
Crisafulli	Horner	Ray	Weatherford
Cruz	Hudson	Reagan	Weinstein
Culp	Hukill	Reed	Williams, A.
Domino	Jenne	Rehwinkel	Williams, T.
Dorworth	Jones	Renuart	Wood
Drake	Kelly	Rivera	Workman
Eisnaugle	Kiar	Robaina	Zapata

Nays—None

Votes after roll call:

Yeas—Bullard, Troutman

So the bill passed and was immediately certified to the Senate.

CS for CS for SB 1412—A bill to be entitled An act relating to obsolete or outdated agency plans, reports, and programs; repealing s. 13.01, F.S., which establishes the Florida Commission on Interstate Cooperation; repealing s. 13.02, F.S., which establishes the Senate Committee on Interstate Cooperation; repealing s. 13.03, F.S., which establishes the House of Representatives Committee on Interstate Cooperation; repealing s. 13.04,

F.S., which provides terms and functions of both House and Senate standing committees; repealing s. 13.05, F.S., which establishes the Governor's Committee on Interstate Cooperation; repealing s. 13.06, F.S., which designates informal names of the committees and the Commission; repealing s. 13.07, F.S., which provides the functions of the commission; repealing s. 13.08, F.S., which establishes the powers and duties of the commission; repealing s. 13.09, F.S., which declares the Council of State Government to be a joint governmental agency of Florida and other states; transferring and renumbering s. 13.10, F.S., relating to the appointment of Commissioners to the National Conference of Commissioners on Uniform State Laws; repealing s. 13.90, F.S., which establishes the Florida Legislative Law Revision Council; repealing s. 13.91, F.S., which establishes the membership of the council; repealing s. 13.92, F.S., which establishes the term limits for members appointed to the council; repealing s. 13.93, F.S., which declares all serving members of the council eligible for reappointment; repealing s. 13.94, F.S., which designates the chair and vice chair of the council; repealing s. 13.95, F.S., which declares that the members of the council shall serve without compensation; repealing s. 13.96, F.S., which provides the functions of the council; repealing s. 13.97, F.S., which provides that the council shall be the recipient of proposed changes and may make recommendations on such proposals; repealing s. 13.98, F.S., which provides that the council submit a report of all actions taken at each regular session of the Legislature; repealing s. 13.99, F.S., regarding personnel of the council; repealing s. 13.992, F.S., which defines the powers of the council; repealing s. 13.993, F.S., which authorizes the council to procure information from state, municipal corporations, or governmental department agencies; repealing s. 13.994, F.S., which authorizes the council to create rules and regulations for the conduct of business; repealing s. 13.995, F.S., which requires appropriations to carry out the purposes of the council; repealing s. 13.996, F.S., which provides that the first duty of the council shall be to complete revision of the criminal laws of the state of Florida; repealing s. 14.25, F.S., relating to the Florida State Commission on Hispanic Affairs; amending s. 14.26, F.S.; revising reporting requirements of the Citizen's Assistance Office; repealing s. 14.27, F.S., relating to the Florida Commission on African-American Affairs; repealing s. 16.58, F.S., relating to the Florida Legal Resource Center; amending s. 17.32, F.S.; revising the recipients of the annual report of trust funds by the Chief Financial Officer; amending s. 17.325, F.S.; deleting a reporting requirement relating to the governmental efficiency hotline; amending s. 20.057, F.S.; deleting a reporting requirement of the Governor relating to interagency agreements to delete duplication of inspections; repealing s. 20.316(4)(e), (f), and (g), F.S., relating to information systems of the Department of Juvenile Justice; amending s. 20.43, F.S.; revising provisions relating to planning by the Department of Health; amending s. 39.4086, F.S.; deleting provisions relating to a report by the State Courts Administrator on a guardian ad litem program for dependent children; amending s. 98.255, F.S.; deleting provisions relating to a report on the effectiveness of voter education programs; amending s. 110.1227, F.S.; revising provisions relating to a report by the board of directors of the Florida Long-Term-Care Plan; amending s. 120.542, F.S.; deleting provisions relating to reports of petitions filed for variances to agency rules; repealing s. 153.952, F.S., relating to legislative findings and intent concerning privately owned wastewater systems and facilities; amending s. 161.053, F.S.; deleting a provision relating to a report on the coastal construction control line; amending s. 161.161, F.S.; deleting a provision requiring a report on funding for beach erosion control; repealing s. 163.2526, F.S., relating to the review and evaluation of urban infill; amending s. 163.3167, F.S.; deleting provisions relating to local government comprehensive plans; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; amending s. 163.3178, F.S.; deleting a duty of the Coastal Resources Interagency Management Committee to submit certain recommendations; repealing s. 163.519(12), F.S., relating to the requirement for a report on neighborhood improvement districts by the Department of Legal Affairs; repealing s. 186.007(9), F.S.; deleting provisions relating to a committee to recommend to the Governor changes in the state comprehensive plan; amending ss. 189.4035 and 189.412, F.S.; revising requirements relating to dissemination of the official list of special districts; amending s. 206.606, F.S.; revising provisions relating to a report on the Florida Boating Improvement Program; amending s. 212.054, F.S.; deleting the requirement

for a report on costs of administering the discretionary sales surtax; amending s. 212.08, F.S.; deleting a requirement for a report on the sales tax exemption for machinery and equipment used in semiconductor, defense, or space technology production and research and development; repealing s. 213.0452, F.S., relating to a report on the structure of the Department of Revenue; repealing s. 213.054, F.S., relating to monitoring and reporting regarding persons claiming tax exemptions; amending s. 215.70, F.S.; requiring the State Board of Administration to report to the Governor when funds need to be appropriated to honor the full faith and credit of the state; amending s. 216.011, F.S.; redefining the term "long-range program plan"; repealing s. 216.181(10)(c), F.S., relating to reports of filled and vacant positions and salaries; amending s. 252.55, F.S.; revising certain reporting requirements relating to the Civil Air Patrol; amending s. 253.7825, F.S.; deleting provisions relating to the plan for the Cross Florida Greenways State Recreation and Conservation Area; repealing s. 253.7826, F.S., relating to structures of the Cross Florida Barge Canal; repealing s. 253.7829, F.S., relating to a management plan for retention or disposition of lands of the Cross Florida Barge Canal; amending s. 259.037, F.S.; revising provisions relating to a report of the Land Management Uniform Accounting Council; repealing s. 267.074(4), F.S., relating to a plan for the State Historical Marker Program; repealing s. 284.50(3), F.S., relating to a requirement for a report by the Interagency Advisory Council on Loss Prevention and certain department heads; repealing s. 287.045(11), F.S., relating to a requirement for reports on use of recycled products; repealing s. 288.108(7), F.S., relating to a requirement for a report by the Office of Tourism, Trade, and Economic Development on high-impact businesses; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; amending s. 288.1229, F.S.; revising duties of the direct-support organization to support sports-related industries and amateur athletics; repealing s. 288.7015(4), F.S., relating to a requirement for a report by the rules ombudsman in the Executive Office of the Governor; amending s. 288.7771, F.S.; revising a reporting requirement of the Florida Export Finance Corporation; repealing s. 288.8175(8), (10), and (11), F.S., relating to certain responsibilities of the Department of Education with respect to linkage institutes between postsecondary institutions in this state and foreign countries; repealing s. 288.853(5), F.S., relating to the requirement for a report on assistance to and commerce with Cuba; amending s. 288.904, F.S.; deleting an obsolete provision requiring the creation of advisory committees on international and small business issues; amending s. 288.95155, F.S.; revising requirements for a report by Enterprise Florida, Inc., on the Florida Small Business Technology Growth Program; amending s. 288.9604, F.S.; deleting a requirement for a report by the Florida Development Finance Corporation; amending s. 288.9610, F.S.; revising provisions relating to annual reporting by the corporation; amending s. 292.05, F.S.; revising requirements relating to a report by the Department of Veterans' Affairs; repealing ss. 296.16 and 296.39, F.S., relating to reports by the executive director of the Department of Veterans' Affairs; repealing s. 315.03(12)(c), F.S., relating to legislative review of a loan program of the Florida Seaport Transportation and Economic Development Council; amending s. 319.324, F.S.; deleting provisions relating to funding a report on odometer fraud prevention and detection; repealing s. 322.181, F.S., relating to a study by the Department of Highway Safety and Motor Vehicles on driving by the elderly; repealing s. 322.251(7)(c), F.S., relating to a plan to indemnify persons wanted for passing worthless bank checks; amending s. 373.0391, F.S.; deleting provisions relating to provision of certain information by water management districts; amending s. 373.046, F.S.; deleting an obsolete provision requiring a report by the Secretary of Environmental Protection; repealing s. 376.121(14), F.S., relating to a report by the Department of Environmental Protection on damage to natural resources; repealing s. 376.17, F.S., relating to reports of the department to the Legislature; repealing s. 376.30713(5), F.S., relating to a report on preapproved advanced cleanup; amending s. 379.2211, F.S.; revising provisions relating to a report by the Fish and Wildlife Conservation Commission on waterfowl permit revenues; amending s. 379.2212, F.S.; revising provisions relating to a report by the commission on wild turkey permit revenues; repealing s. 379.2523(8), F.S., relating to duties of the Fish and Wildlife Conservation Commission concerning an aquaculture plan; amending s. 380.06, F.S.; deleting provisions on transmission of revisions relating to statewide guidelines and

standards for developments of regional impact; repealing s. 380.0677(3), F.S., relating to powers of the Green Swamp Land Authority; repealing s. 381.0011(3), F.S., relating to an inclusion in the Department of Health's strategic plan; repealing s. 381.0036, F.S., relating to planning for implementation of educational requirements concerning HIV and AIDS; repealing s. 381.731, F.S., relating to strategic planning of the Department of Health; amending s. 381.795, F.S.; deleting provisions relating to studies by the Department of Health on long-term, community-based supports; amending s. 381.931, F.S.; deleting provisions relating to the duty of the Department of Health to develop a report on Medicaid expenditures; amending s. 383.19, F.S.; revising provisions relating to reports by hospitals contracting to provide perinatal intensive care services; repealing s. 383.21, F.S., relating to reviews of perinatal intensive care service programs; amending s. 383.2161, F.S.; revising requirements relating to a report by the Department of Health on maternal and child health; repealing s. 394.4573(4), F.S., relating to the requirement for a report by the Department of Children and Family Services on staffing state mental health facilities; amending s. 394.4985, F.S.; deleting provisions relating to plans by department districts; repealing s. 394.82, F.S., relating to the funding of expanded community mental health services; repealing s. 394.9082(9), F.S., relating to reports on contracting with behavioral health management entities; repealing s. 394.9083, F.S., relating to the Behavioral Health Services Integration Workgroup; repealing s. 395.807(2)(c), F.S., relating to requirements for a report on the retention of family practice residents; repealing s. 397.332(3), F.S., relating to the requirement for a report by the director of the Office of Drug Control; repealing s. 397.94(1), F.S., relating to children's substance abuse services plans by service districts of the Department of Children and Family Services; repealing s. 400.148(2), F.S., relating to a pilot program of the Agency for Health Care Administration for a quality-of-care contract management program; amending s. 400.967, F.S.; deleting provisions relating to a report by the Agency for Health Care Administration on intermediate care facilities for developmentally disabled persons; repealing s. 402.3016(3), F.S., relating to the requirement for a report by the agency on Early Head Start collaboration grants; repealing s. 402.40(9), F.S., relating to submission to the Legislature of certain information related to child welfare training; amending s. 403.4131, F.S.; deleting provisions relating to a report on the adopt-a-highway program; repealing s. 403.706(2)(d), F.S., relating to local government solid waste responsibilities; repealing s. 406.02(4)(a), F.S., relating to the requirement for a report by the Medical Examiners Commission; amending s. 408.033, F.S.; revising provisions relating to reports by local health councils; repealing s. 408.914(4), F.S., relating to the requirement of the Agency for Health Care Administration to submit to the Governor a plan on the comprehensive health and human services eligibility access system; repealing s. 408.915(3)(i), F.S., relating to the requirement for periodic reports on the pilot program for such access; repealing s. 408.917, F.S., relating to an evaluation of the pilot project; amending s. 409.1451, F.S.; revising requirements relating to reports on independent living transition services; repealing s. 409.152, F.S., relating to service integration and family preservation; repealing s. 409.1679(1) and (2), F.S., relating to reports concerning residential group care services; amending s. 409.1685, F.S.; revising provisions relating to reports by the Department of Children and Family Services on children in foster care; repealing s. 409.221(4)(k), F.S., relating to reports on consumer-directed care; amending s. 409.25575, F.S.; deleting provisions relating to a report by the Department of Revenue regarding a quality assurance program for privatization of services; amending s. 409.2558, F.S.; deleting provisions relating to the Department of Revenue's solicitation of recommendations related to a rule on undistributable collections; repealing s. 409.441(3), F.S., relating to the state plan for the handling of runaway youths; amending s. 409.906, F.S.; deleting a requirement for reports of child-welfare-targeted case management projects; amending s. 409.912, F.S.; revising provisions relating to duties of the agency with respect to cost-effective purchasing of health care; repealing s. 410.0245, F.S., relating to a study of service needs of the disabled adult population; repealing s. 410.604(10), F.S., relating to a requirement for the Department of Children and Family Services to evaluate the community care for disabled adults program; amending s. 411.0102, F.S.; deleting provisions relating to use of child care purchasing pool funds; repealing s. 411.221, F.S., relating to prevention and early assistance; repealing s. 411.242, F.S., relating

to the Florida Education Now and Babies Later program; amending s. 414.14, F.S.; deleting a provision relating to a report by the Secretary of Children and Family Services on public assistance policy simplification; repealing s. 414.36(1), F.S., relating to a plan for privatization of recovery of public assistance overpayment claims; repealing s. 414.391(3), F.S., relating to a plan for automated fingerprint imaging; amending s. 415.1045, F.S.; deleting a requirement for a study by the Office of Program Policy Analysis and Government Accountability on documentation of exploitation, abuse, or neglect; amending s. 420.622, F.S.; revising requirements relating to a report by the State Council on Homelessness; repealing s. 420.623(4), F.S., relating to the requirement of a report by the Department of Community Affairs on homelessness; amending s. 427.704, F.S.; revising requirements relating to a report by the Public Service Commission on a telecommunications access system; amending s. 427.706, F.S.; revising requirements relating to a report by the advisory committee on telecommunications access; amending s. 429.07, F.S.; deleting provisions relating to a report by the Department of Elderly Affairs on extended congregate care facilities; amending s. 429.41, F.S.; deleting provisions relating to a report concerning standards for assisted living facilities; amending s. 430.04, F.S.; revising duties of the Department of Elderly Affairs with respect to certain reports and recommendations; amending s. 430.502, F.S.; revising requirements with respect to reports by the Alzheimer's Disease Advisory Committee; amending s. 445.006, F.S.; deleting provisions relating to a strategic plan for workforce development; repealing s. 455.2226(8), F.S., relating to the requirement of a report by the Board of Funeral Directors and Embalmers; repealing s. 455.2228(6), F.S., relating to the requirement of reports by the Barbers' Board and the Board of Cosmetology; amending s. 456.005, F.S.; revising requirements relating to long-range planning by professional boards; amending s. 456.025, F.S.; revising requirements relating to a report to professional boards by the Department of Health; repealing s. 456.034(6), F.S., relating to reports by professional boards about HIV and AIDS; amending s. 517.302, F.S.; deleting a requirement for a report by the Office of Financial Regulation on deposits into the Anti-Fraud Trust Fund; repealing s. 531.415(3), F.S., relating to the requirement of a report by the Department of Agriculture and Consumer Services on fees; repealing s. 570.0705(3), F.S., relating to the requirement of a report by the Commissioner of Agriculture concerning advisory committees; amending s. 570.0725, F.S.; requiring that the Department of Agriculture and Consumer Services submit an electronic report to the Legislature concerning support for food recovery programs; repealing s. 570.543(3), F.S., relating to legislative recommendations of the Florida Consumers' Council; amending s. 590.33, F.S.; deleting a reference to the Florida Commission on Interstate Cooperation to conform to changes made by the act; amending s. 603.204, F.S.; revising requirements relating to the South Florida Tropical Fruit Plan; amending s. 627.64872, F.S.; deleting provisions relating to an interim report by the board of directors of the Florida Health Insurance Plan; prohibiting the board from acting to implement the plan until certain funds are appropriated; amending s. 744.708, F.S.; revising provisions relating to audits of public guardian offices and to reports concerning those offices; amending s. 768.295, F.S.; revising duties of the Attorney General relating to reports concerning "SLAPP" lawsuits; amending s. 790.22, F.S.; deleting provisions relating to reports by the Department of Juvenile Justice concerning certain juvenile offenses that involve weapons; amending s. 943.125, F.S.; deleting provisions relating to reports by the Florida Sheriffs Association and the Florida Police Chiefs Association concerning law enforcement agency accreditation; amending s. 943.68, F.S.; revising requirements relating to reports by the Department of Law Enforcement concerning transportation and protective services; amending s. 944.801, F.S.; deleting a requirement to deliver to specified officials copies of certain reports concerning education of state prisoners; repealing s. 945.35(10), F.S., relating to the requirement of a report by the Department of Corrections concerning HIV and AIDS education; repealing s. 958.045(9), F.S., relating to a report by the department concerning youthful offenders; amending s. 960.045, F.S.; revising requirements relating to reports by the Department of Legal Affairs with respect to victims of crimes; repealing s. 985.02(8)(c), F.S., relating to the requirement of a study by the Office of Program Policy Analysis and Government Accountability on programs for young females within the Department of Juvenile Justice; amending s. 985.047, F.S.; deleting provisions relating to a plan by a

multiagency task force on information systems related to delinquency; amending s. 985.47, F.S.; deleting provisions relating to a report on serious or habitual juvenile offenders; amending s. 985.483, F.S.; deleting provisions relating to a report on intensive residential treatment for offenders younger than 13 years of age; repealing s. 985.61(5), F.S., relating to a report by the Department of Juvenile Justice on early delinquency intervention; amending s. 985.622, F.S.; deleting provisions relating to submission of the multiagency plan for vocational education; repealing s. 985.632(7), F.S., relating to a report by the Department of Juvenile Justice on funding incentives and disincentives; repealing s. 1002.34(19), F.S., relating to an evaluation and report by the Commissioner of Education concerning charter technical career centers; repealing s. 1003.61(4), F.S., relating to evaluation of a pilot attendance project in Manatee County; amending s. 1004.22, F.S.; deleting provisions relating to university reports concerning sponsored research; repealing s. 1004.50(6), F.S., relating to the requirement of a report by the Governor concerning unmet needs in urban communities; repealing s. 1004.94(2) and (4), F.S., relating to guidelines for and a report on plans for a state adult literacy program; amending s. 1004.95, F.S.; revising requirements relating to implementing provisions for adult literacy centers; repealing s. 1006.0605, F.S., relating to students' summer nutrition; repealing s. 1006.67, F.S., relating to a report of campus crime statistics; amending s. 1009.70, F.S.; deleting provisions relating to a report on a minority law school scholarship program; amending s. 1011.32, F.S.; requiring the Governor to be given a copy of a report related to the Community College Facility Enhancement Challenge Grant Program; amending s. 1011.62, F.S.; deleting provisions relating to recommendations for implementing the extended-school-year program; repealing s. 1012.05(2)(l), F.S., relating to a plan concerning teacher recruitment and retention; amending s. 1012.42, F.S.; deleting provisions relating to a plan of assistance for teachers teaching out-of-field; amending s. 1013.11, F.S.; deleting provisions relating to transmittal of a report on physical plant safety; amending ss. 161.142, 163.065, 163.2511, 163.2514, 163.3202, 259.041, 259.101, 369.305, 379.2431, 381.732, 381.733, 411.01, 411.232, and 445.006, F.S., conforming cross-references to changes made by the act; amending s. 1001.42, F.S.; deleting provisions that require each district school board to reduce paperwork and data collection and report its findings and potential solutions on reducing burdens associated with such collection; amending s. 1008.31, F.S.; requiring that the Commissioner of Education monitor and review the collection of paperwork, data, and reports by school districts; requiring that the commissioner complete an annual review of such collection by a specified date each year; requiring that the commissioner prepare a report, by a specified date each year, assisting the school districts with eliminating or consolidating paperwork, data, and reports by providing suggestions, technical assistance, and guidance; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1016

Speaker Cretul in the Chair.

Yeas—115

Abruzzo	Chestnut	Gaetz	Jones
Adams	Clarke-Reed	Galvano	Kelly
Adkins	Coley	Garcia	Kiar
Ambler	Cretul	Gibbons	Kreegel
Anderson	Crisafulli	Gibson	Kriseman
Aubuchon	Cruz	Glorioso	Legg
Bembry	Culp	Grady	Llorente
Bernard	Domino	Grimsley	Long
Bogdanoff	Dorworth	Hasner	Lopez-Cantera
Bovo	Drake	Hays	Mayfield
Boyd	Eisnaugle	Heller	McBurney
Brandenburg	Evers	Holder	McKeel
Braynon	Fetterman	Homan	Murzin
Brisé	Fitzgerald	Hooper	Nehr
Burgin	Flores	Horner	Nelson
Bush	Ford	Hudson	O'Toole
Cannon	Fresen	Hukill	Pafford
Carroll	Frishe	Jenne	Patterson

Plakon	Renuart	Schultz	Tobia
Planas	Rivera	Schwartz	Van Zant
Poppell	Robaina	Skidmore	Waldman
Porth	Roberson, K.	Snyder	Weatherford
Precourt	Roberson, Y.	Soto	Weinstein
Proctor	Rogers	Stargel	Williams, A.
Rader	Rouson	Steinberg	Williams, T.
Ray	Sachs	Taylor	Wood
Reagan	Sands	Thompson, G.	Workman
Reed	Saunders	Thompson, N.	Zapata
Rehwinkel Vasilinda	Schenck	Thurston	

Nays—None

Votes after roll call:

Yeas—Bullard, Troutman

So the bill passed, as amended, and was immediately certified to the Senate.

SB 1678—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; repealing s. 1004.43(8)(c), F.S., relating to an exemption from public-records requirements for certain records held by the H. Lee Moffitt Cancer Center and Research Institute; saving the exemption from repeal under the Open Government Sunset Review Act; removing the scheduled repeal of the exemption; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1017

Speaker Cretul in the Chair.

Yeas—115

Abruzzo	Evers	Kreegel	Roberson, K.
Adams	Fetterman	Kriseman	Roberson, Y.
Adkins	Fitzgerald	Legg	Rogers
Ambler	Flores	Llorente	Rouson
Anderson	Ford	Long	Sachs
Aubuchon	Fresen	Lopez-Cantera	Sands
Bembry	Frishe	Mayfield	Saunders
Bernard	Gaetz	McBurney	Schultz
Bogdanoff	Galvano	McKeel	Schwartz
Bovo	Garcia	Murzin	Skidmore
Boyd	Gibbons	Nehr	Snyder
Brandenburg	Gibson	Nelson	Soto
Braynon	Glorioso	O'Toole	Stargel
Brisé	Gonzalez	Pafford	Steinberg
Burgin	Grady	Patterson	Taylor
Bush	Grimsley	Plakon	Thompson, G.
Cannon	Hasner	Planas	Thompson, N.
Carroll	Hays	Poppell	Thurston
Chestnut	Heller	Porth	Tobia
Clarke-Reed	Holder	Precourt	Van Zant
Coley	Homan	Proctor	Waldman
Cretul	Hooper	Rader	Weatherford
Crisafulli	Horner	Ray	Weinstein
Cruz	Hudson	Reagan	Williams, A.
Culp	Hukill	Reed	Williams, T.
Domino	Jenne	Rehwinkel Vasilinda	Wood
Dorworth	Jones	Renuart	Workman
Drake	Kelly	Rivera	Zapata
Eisnaugle	Kiar	Robaina	

Nays—None

Votes after roll call:

Yeas—Bullard, Troutman

So the bill passed by the required constitutional two-thirds vote of the members voting and was immediately certified to the Senate.

CS for CS for SB 1736 was temporarily postponed.

CS for SB 1730—A bill to be entitled An act relating to biodiesel fuel; amending s. 206.874, F.S.; exempting biodiesel fuel manufactured by a public or private secondary school from taxation under certain circumstances; specifying the circumstances under which a public or private secondary school that manufactures biodiesel fuel is exempt from certain registration requirements; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1018

Speaker Cretul in the Chair.

Yeas—112

Abruzzo	Evers	Legg	Roberson, Y.
Adams	Fetterman	Llorente	Rogers
Adkins	Fitzgerald	Long	Rouson
Ambler	Flores	Lopez-Cantera	Sachs
Anderson	Ford	Mayfield	Sands
Aubuchon	Frishe	McBurney	Saunders
Bembry	Gaetz	McKeel	Schenck
Bernard	Galvano	Murzin	Schultz
Bogdanoff	Garcia	Nehr	Schwartz
Bovo	Gibbons	Nelson	Skidmore
Boyd	Gibson	O'Toole	Snyder
Brandenburg	Glorioso	Pafford	Soto
Braynon	Gonzalez	Patterson	Stargel
Brisé	Grady	Plakon	Steinberg
Burgin	Grimsley	Planas	Taylor
Bush	Hasner	Poppell	Thompson, G.
Cannon	Hays	Porth	Thompson, N.
Carroll	Holder	Precourt	Thurston
Chestnut	Hooper	Proctor	Tobia
Clarke-Reed	Horner	Rader	Van Zant
Coley	Hudson	Ray	Waldman
Cretul	Hukill	Reagan	Weatherford
Crisafulli	Jenne	Reed	Weinstein
Cruz	Jones	Rehwinkel Vasilinda	Williams, A.
Culp	Kelly	Renuart	Williams, T.
Domino	Kiar	Rivera	Wood
Dorworth	Kreegel	Robaina	Workman
Drake	Kriseman	Roberson, K.	Zapata

Nays—None

Votes after roll call:

Yeas—Bullard, Eisnaugle, Fresen, Heller, Troutman

So the bill passed and was immediately certified to the Senate.

SB 1150—A bill to be entitled An act relating to registration of farm labor contractors and employees; amending s. 450.28, F.S.; defining the term "timely application for renewal"; amending s. 450.31, F.S.; requiring the renewal of farm labor contractor and employee certificates of registration under certain circumstances; requiring the Department of Business and Professional Regulation to suspend, revoke, or refuse to issue or renew certificates of registration under certain circumstances; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1019

Speaker Cretul in the Chair.

Yeas—114

Abruzzo	Bernard	Burgin	Cretul
Adams	Bogdanoff	Bush	Crisafulli
Adkins	Bovo	Cannon	Culp
Ambler	Boyd	Carroll	Domino
Anderson	Brandenburg	Chestnut	Dorworth
Aubuchon	Braynon	Clarke-Reed	Drake
Bembry	Brisé	Coley	Eisnaugle

Evers	Hudson	Planas	Schwartz
Fetterman	Hukill	Poppell	Skidmore
Fitzgerald	Jenne	Porth	Snyder
Flores	Jones	Precourt	Soto
Ford	Kelly	Proctor	Stargel
Fresen	Kiar	Rader	Steinberg
Frishe	Kreegel	Ray	Taylor
Gaetz	Kriseman	Reagan	Thompson, G.
Galvano	Legg	Reed	Thompson, N.
Garcia	Llorente	Rehwinkel Vasilinda	Thurston
Gibbons	Long	Renuart	Tobia
Gibson	Lopez-Cantera	Rivera	Van Zant
Glorioso	Mayfield	Robaina	Waldman
Gonzalez	McBurney	Roberson, K.	Weatherford
Grady	McKeel	Roberson, Y.	Weinstein
Hasner	Murzin	Rogers	Williams, A.
Hays	Nehr	Rouson	Williams, T.
Heller	Nelson	Sachs	Wood
Holder	O'Toole	Sands	Workman
Homan	Pafford	Saunders	Zapata
Hooper	Patterson	Schenck	
Horner	Plakon	Schultz	

Nays—None

Votes after roll call:

Yeas—Bullard, Cruz, Grimsley, Troutman

So the bill passed and was immediately certified to the Senate.

CS for SB 1752—A bill to be entitled An act relating to economic development; amending s. 125.045, F.S.; requiring an agency or entity that receives county funds for economic development purposes pursuant to a contract to submit a report on the use of the funds; requiring the county to include the report in its annual financial audit; requiring counties to report on the provision of economic development incentives to businesses to the Legislative Committee on Intergovernmental Relations; amending s. 159.803, F.S.; conforming a cross-reference to changes made by the act; amending s. 166.021, F.S.; requiring an agency or entity that receives municipal funds for economic development purposes pursuant to a contract to submit a report on the use of the funds; requiring the municipality to include the report in its annual financial audit; requiring municipalities to report on the provision of economic development incentives to businesses to the Legislative Committee on Intergovernmental Affairs; amending s. 212.05, F.S.; limiting the maximum amount of tax that may be imposed and collected on the sale or use of a boat in this state; amending s. 212.08, F.S.; temporarily exempting from sales and use taxes the increase in purchases of certain industrial machinery and equipment over the amount of purchases made in a base year; redefining the terms "real property" and "rehabilitation of real property" for purposes of the sales tax exemption on certain building materials used in the rehabilitation of real property used in an enterprise zone; specifying procedures to claim a sales tax credit under the entertainment industry financial incentive program; providing an exemption from the use tax for an aircraft that temporarily enters the state or is temporarily in the state for certain purposes; requiring documentation that identifies the aircraft in order to qualify for the exemption; providing that the exemption is in addition to certain other exemptions; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide confidential taxpayer information relating to certain tax credits under the entertainment industry financial incentive program to the Office of Film and Entertainment and to the Office of Tourism, Trade, and Economic Development; amending s. 220.02, F.S.; providing for tax credits pursuant to the entertainment industry financial incentive program and the jobs for the unemployed tax credit program to be taken against the corporate income tax or the franchise tax after other existing credits are taken; creating s. 220.1896, F.S.; creating the jobs for the unemployed tax credit program to provide a tax credit to certain businesses that employ certain individuals who were previously unemployed after a certain date; providing for applications for certification under the program to be reviewed by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; providing criminal penalties for fraudulent claims of a tax credit; authorizing the Office of Tourism, Trade, and Economic Development and the Department of Revenue to adopt

rules; providing for the expiration of the tax credit program; creating s. 220.1899, F.S.; creating the entertainment industry tax credit for a tax credit against the qualified expenditures made by a qualified production company pursuant to the entertainment industry financial incentive program; amending s. 220.191, F.S.; redefining the terms "qualifying business" and "qualifying project" for purposes of the capital investment tax credit; providing for the amount of the credit to diminish over a 10-year period; conforming cross-references to changes made in the act; providing that a business seeking the tax credit has the responsibility of demonstrating qualification for the credit to the Department of Revenue and the Office of Tourism, Trade, and Economic Development; authorizing the payment of a prorated tax credit under certain circumstances; providing that a business that receives a capital investment tax credit is not eligible for a tax refund under the qualified target industry tax refund program; amending s. 288.095, F.S.; increasing the amount of tax refund payments available to pay the state's share of refunds under the qualified defense contractor and space flight business tax refund program and the tax refund program for qualified target industry businesses; amending s. 288.106, F.S.; providing legislative findings and declarations for the tax refund program for qualified target industry businesses; revising the definitions of terms applicable to the program; revising the criteria for the Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., to use in identifying target industry businesses; conforming cross-references to changes made by the act; authorizing additional tax refunds to qualified target industry businesses that meet specified conditions; requiring an application for certification as a qualified target industry business to include an estimate of the proportion of the machinery, equipment, and other resources that will be used in the applicant's proposed operation in Florida and purchased by the applicant outside the state; requiring the Office of Tourism, Trade, and Economic Development to consider the state's return on investment in evaluating applicants for the tax refund program; extending the date by which a qualified target industry business may request an economic-stimulus exemption; redesignating economic-stimulus exemptions as economic recovery extensions; authorizing the Office of Tourism, Trade, and Economic Development to waive the requirement for a business to annually provide proof of taxes paid if the business provides proof that it has paid certain taxes in amounts at least equal to the total amount of refunds for which the business is eligible; requiring the Office of Tourism, Trade, and Economic Development to conduct a review of certain qualified target industry businesses that have received their final tax refund and provide a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives; extending the date by which businesses may apply to participate in the tax refund program for qualified target industry businesses; amending s. 288.107, F.S.; conforming cross-references to changes made by the act; amending s. 288.125, F.S.; redefining the term "entertainment industry" to include digital media projects; amending s. 288.1251, F.S.; requiring the Office of Film and Entertainment to update its strategic plan every 5 years; deleting requirements for the Office of Film and Entertainment to represent certain decisionmakers within the entertainment industry and to act as a liaison between entertainment industry producers and labor organizations; amending s. 288.1252, F.S.; deleting obsolete provisions; deleting the requirement for the Commissioner of Film and Entertainment and a representative of the Florida Tourism Marketing Council to serve as ex officio members of the Film and Entertainment Advisory Council; amending s. 288.1253, F.S.; eliminating provisions authorizing the payment of travel expenses to persons other than employees of the Office of Film and Entertainment, the Governor and Lieutenant Governor, and security staff; providing for the payment of travel expenses through reimbursements; amending s. 288.1254, F.S.; revising the entertainment industry financial incentive program to provide corporate income tax and sales and use tax credits to qualified entertainment entities rather than reimbursements from appropriations; revising provisions relating to definitions, creation, and scope, application procedures, approval process, eligibility, required documents, qualified and certified productions, and annual reports; providing duties and responsibilities of the Office of Film and Entertainment, the Office of Tourism, Trade, and Economic Development, and the Department of Revenue relating to the tax credits; providing criteria and limitations for awards of tax credits; providing for uses, allocations,

election, distributions, and carryforward of the tax credits; providing for withdrawal of tax credit eligibility; providing for use of consolidated returns; providing for partnership and noncorporate distributions of tax credits; providing for succession of tax credits; providing requirements for transfer of tax credits; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules, policies, and procedures; authorizing the Department of Revenue to adopt rules and conduct audits; providing for revocation and forfeiture of tax credits; providing liability for reimbursement of certain costs and fees associated with a fraudulent claim; requiring an annual report to the Governor and the Legislature; providing for future repeal; amending s. 288.1258, F.S.; requiring the Office of Film and Entertainment to include in its records certain ratios of tax exemptions and incentives to the estimated funds expended by a certified production; creating s. 288.9552, F.S.; creating the Research Commercialization Matching Grant Program to provide grants to certain small companies; designating the Florida Institute for the Commercialization of Public Research to serve as the administrator of the program; specifying criteria to determine eligibility for a grant; limiting the maximum amount of an award; requiring the institute to issue an annual report relating to the grant program to the Governor, the President of the Senate, and the Speaker of the House of Representatives; amending s. 290.00677, F.S.; conforming cross-references to changes made by the act; amending s. 373.441, F.S.; revising provisions relating to adoption of rules relating to permitting; requiring the Department of Environmental Protection to adopt rules that authorize a local government to petition the Governor and Cabinet for certain delegation requests; requiring the Department of Environmental Protection detail the statutes or rules that were not satisfied by a local government that made a request for delegation and to detail actions that could be taken to allow for delegation; authorizing a local government to petition the Governor and Cabinet to review the denial of a delegation request; providing that a delegation of authority must be approved if it meets certain rule requirements; amending s. 403.061, F.S.; directing the Department of Environmental Protection to expand the use of online self-certification for certain exemptions and permits; limiting the authority of a local government the method or form for documenting that a project qualifies for an exemption or meets the requirements for a permit; requiring the Office of Program Policy Analysis and Government Accountability to review the Enterprise Zone Program and submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives; authorizing the funds in specific appropriation 2649 of chapter 2008-152, Laws of Florida, to be used for additional space-related economic-development purposes; providing an appropriation to the Office of Tourism, Trade, and Economic Development to fund the operations of Space Florida; providing an appropriation to the Space Business Investment and Financial Services Trust Fund to carry out the purposes of the trust fund; providing an appropriation to the Office of Tourism, Trade, and Economic Development to enable Space Florida to provide targeted business-development support services and business recruitment; providing an appropriation to the Office of Tourism, Trade, and Economic Development for Space Florida to retrain workers in the space industry; requiring all state agencies owning or operating state-owned real property to submit inventory data to the Department of Environmental Protection by a specified date; requiring the Department of Environmental Protection to submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that lists state-owned real property recommended for disposition; providing that the proceeds of the sale of surplus real property be deposited in the General Revenue Fund to be used for certain specified purposes; requiring the Office of Program Policy Analysis and Government Accountability to review and evaluate the Research Commercialization Matching Grant Program and submit a report of its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives; reauthorizing certain exemptions, 2-year extensions, and local comprehensive plan amendments granted, authorized, or adopted in accordance with Chapter 2009-96, Laws of Florida; extending the expiration dates of certain permits issued by the Department of Environmental Protection or a water management district; extending certain previously granted build-out dates; amending s. 47 of chapter 2009-82, Laws of Florida; delaying the expiration of the Florida Homebuyer Opportunity

Program; requiring that construction contracts funded by state funds contain a provision requiring the contractor to give preference to the employment of Florida residents if they have substantially equal qualifications as nonresidents; defining the term "substantially equal qualifications"; requiring that a contractor post employment needs in the state's job bank system; providing an appropriation to the Florida Institute for the Commercialization of Public Research to fund grants under the Research Commercialization Matching Grant Program; conditionally specifying the use of an appropriation to the Board of Governors of the State University System to fund proposals under the State University Research Commercialization Assistance Grant Program; providing an appropriation for the Florida Export Finance Corporation to capitalize an expansion of its existing loan program for exporters; providing a finding that the act fulfills an important state interest; providing for severability; providing effective dates.

—was read the third time by title.

Representative Dorworth offered the following:

(Amendment Bar Code: 223839)

Amendment 2 (with title amendment) to Amendment 1 (841717)—Remove lines 319-322 and insert:

Football League championship game or Pro Bowl; on admissions to any semifinal game or championship game of a national collegiate tournament; ~~or~~ on admissions to a Major League Baseball, National Basketball Association, or National Hockey League all-star game; on admissions to the Major League Baseball Home Run Derby held before the Major League Baseball All-Star Game; or on admissions to the National Basketball Association Rookie Challenge, Celebrity Game, 3-Point Shooting Contest, or Slam Dunk Challenge.

TITLE AMENDMENT

Remove lines 3976-3977 and insert:

extending certain exemptions from the admissions tax; expanding an exemption for admissions to certain professional sporting events; amending s. 212.05,

Rep. Dorworth moved the adoption of the amendment to the amendment, which was adopted by the required two-thirds vote.

Representative Randolph offered the following:

(Amendment Bar Code: 415709)

Amendment 3 (with title amendment) to Amendment 1 (841717)—Between lines 3827 and 3828, insert:

Section 49. Effective July 1, 2010, paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.814 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall

distribute this amount to the Public Employees Relations Commission Trust Fund less \$5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.095 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., 2.0440 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3409 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b.(I) The department shall distribute \$166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$416,670 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions must begin 60 days following such certification and shall continue for not more than 30 years. This ~~sub-sub-subparagraph paragraph~~ may not be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6); or

(II) The department shall distribute the amount certified pursuant to s. 288.1163 in equal monthly installments of not more than \$166,667 each to each applicant that has been certified as a performing arts center pursuant to s. 288.1163. Distributions shall begin 60 days after such certification and shall continue for not more than 30 years. Nothing in this sub-sub-subparagraph shall be construed to authorize an applicant certified pursuant to s. 288.1163 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1163. In no case shall distributions under this sub-sub-subparagraph begin before July 1, 2012.

c. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

7. All other proceeds must remain in the General Revenue Fund.

Section 50. Effective July 1, 2010, section 288.163, Florida Statutes, is created to read:

288.163 Performing arts centers; certification; duties.—

(1) As used in this section, the term:

(a) "Office" means the Office of Tourism, Trade, and Economic Development.

(b) "Performing arts center" means a facility consisting of one or more theaters, each of which has no more than 3,500 seats, that presents live theater, live opera, live ballet, or other performance events and that is owned by a public entity or a not-for-profit organization and operated by a public entity or a not-for-profit organization.

(2) The office shall screen applicants and approve or deny applications for certification as a performing arts center for state funding provided under s. 212.20(6)(d)6.b.(II). The office shall establish procedures and guidelines for receiving and processing applications for certification as a performing arts center.

(3) In order for the office to certify an applicant as a performing arts center eligible for funding under s. 212.20(6)(d)6.b.(II), the applicant must provide the office with:

(a) Proof that a unit of local government or a not-for-profit organization is responsible for the construction, maintenance, or operation of the performing arts center or holds title to or a leasehold interest in the property on which the performing arts center is located and that the applicant is or will be the owner, tenant, or operator of the performing arts center.

(b) Projections that demonstrate that the performing arts center will attract a paid attendance of more than 150,000 annually.

(c) An independent analysis or study that demonstrates that the effect on the economy of the local community as a result of the construction or renovation and the operation of the performing arts center, as well as revenues projected to be generated by the taxes imposed under chapter 212 with respect to the use and operation of the performing arts center and events and activities on center premises, will exceed \$60 million over 30 years.

(d) A demonstration that the applicant has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred or related to the improvement and development of the facility.

(e) A resolution adopted, after a public hearing, by the municipality or county in which the performing arts center is located that certifies that funding under s. 212.20(6)(d)6.b.(II) for the performing arts center serves a public purpose.

(4) The office must deny any additional application for certification from any applicant previously certified under this section.

(5)(a) Beginning with the 2012-2013 fiscal year, the office may certify no more than two facilities as performing arts centers eligible for funding under s. 212.20(6)(d)6.b.(II).

(b) Beginning with the 2015-2016 fiscal year, the office may certify no more than eight facilities as performing arts centers eligible for funding under s. 212.20(6)(d)6.b.(II).

(6) An applicant certified as a performing arts center and certified for funding under s. 212.20(6)(d)6.b.(II) may use funds provided under that subparagraph solely for the public purposes of:

(a) Paying for the acquisition, construction, reconstruction, renovation, capital improvement, or maintenance of the performing arts center or any ancillary facilities, including, but not limited to, parking structures, meeting rooms, and retail and concession space.

(b) Paying or pledging for the payment of debt service on, or funding debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to, bonds or other indebtedness issued on or after January 1, 2009,

for the acquisition, construction, reconstruction, renovation, or capital improvement of the performing arts center or any ancillary facilities.

(c) Reimbursing costs for refinancing bonds or other indebtedness, including the payment of any interest and prepayment premium or penalty on such indebtedness, issued for the acquisition, construction, reconstruction, renovation, or capital improvement of the performing arts center or any ancillary facilities.

(7) The office shall notify the Department of Revenue of any facility certified by the office as a performing arts center that is eligible for funding under s. 212.20(6)(d)6.b.(II).

(8) The Department of Revenue may conduct audits as provided in s. 213.34 to verify that the distributions made under this section have been expended as required in this section. If the department determines that the distributions made under this section have not been expended as required by this section, the department may pursue recovery of the funds under the laws and rules governing the assessment of taxes.

TITLE AMENDMENT

Remove line 4230 and insert:

deadlines; specifying compliance requirements; amending s. 212.20, F.S.; providing an alternative requirement for the Department of Revenue to distribute certain sales tax proceeds to certain performing arts centers rather than to certain sports franchise facilities under certain circumstances; providing for construction; providing a limitation; creating s. 288.163, F.S.; providing definitions; requiring the Office of Tourism, Trade, and Economic Development to screen applicants and approve or deny applications for certification as a performing arts center for funding purposes; requiring the office to establish certain procedures and guidelines; specifying certification requirements for the office and applicants; specifying ineligibility of certain applicants for additional certification; limiting the number of facilities certified by the office; specifying public purpose uses of certain funds; requiring the office to notify the department of performing arts center certifications; authorizing the department to conduct audits to verify certain expenditures; authorizing the department to pursue recovery of certain funds under certain circumstances; providing a

Amendment 3 to Amendment 1 was temporarily postponed.

Representative Jenne offered the following:

(Amendment Bar Code: 457811)

Amendment 4 (with title amendment) to Amendment 1 (841717)—Between lines 3827 and 3828, insert:

Section 49. Preference to state residents.—

(1) Each contract for construction that is funded by state funds must contain a provision requiring the contractor to give preference to the employment of state residents in the performance of the work on the project if state residents have substantially equal qualifications to those of nonresidents. A contract for construction funded by local funds may contain such a provision.

(a) As used in this section, the term "substantially equal qualifications" means the qualifications of two or more persons among whom the employer cannot make a reasonable determination that the qualifications held by one person are better suited for the position than the qualifications held by the other person or persons.

(b) A contractor required to employ state residents must contact the Agency for Workforce Innovation to post the contractor's employment needs in the state's job bank system.

(2) No contract shall be let to any person refusing to execute an agreement containing the provisions required by this section. However, in work involving the expenditure of federal aid funds, this section may not be enforced in such a manner as to conflict with or be contrary to federal law prescribing a labor preference to honorably discharged soldiers, sailors, or marines, or

prohibiting as unlawful any other preference or discrimination among the citizens of the United States.

TITLE AMENDMENT

Remove line 4230 and insert:

deadlines; specifying compliance requirements; requiring that construction contracts funded by state funds contain a provision requiring the contractor to give preference to the employment of state residents if they have substantially equal qualifications as nonresidents; defining the term "substantially equal qualifications"; providing a

Rep. Jenne moved the adoption of the amendment to the amendment, which was adopted by the required two-thirds vote.

THE SPEAKER PRO TEMPORE IN THE CHAIR

The question recurred on the passage of CS for SB 1752. The vote was:

Session Vote Sequence: 1020

Representative Reagan in the Chair.

Yeas—117

Abruzzo	Fetterman	Legg	Rogers
Adams	Fitzgerald	Llorente	Rouson
Adkins	Flores	Long	Sachs
Ambler	Ford	Lopez-Cantera	Sands
Anderson	Fresen	Mayfield	Saunders
Aubuchon	Frishe	McBurney	Schenck
Bembry	Gaetz	McKeel	Schultz
Bernard	Galvano	Murzin	Schwartz
Bogdanoff	Garcia	Nehr	Skidmore
Bovo	Gibbons	Nelson	Snyder
Boyd	Gibson	O'Toole	Soto
Brandenburg	Glorioso	Pafford	Stargel
Braynon	Gonzalez	Patterson	Steinberg
Brisé	Grady	Plakon	Taylor
Bullard	Grimsley	Planas	Thompson, G.
Burgin	Hasner	Poppell	Thompson, N.
Bush	Hays	Porth	Thurston
Cannon	Heller	Precourt	Tobia
Carroll	Holder	Proctor	Van Zant
Chestnut	Homan	Rader	Waldman
Clarke-Reed	Hooper	Randolph	Weatherford
Coley	Horner	Ray	Weinstein
Crisafulli	Hudson	Reagan	Williams, A.
Cruz	Hukill	Reed	Williams, T.
Culp	Jenne	Rehwinkel	Wood
Domino	Jones	Renuart	Workman
Dorworth	Kelly	Rivera	Zapata
Drake	Kiar	Roberson, K.	
Eisnaugle	Kreegel	Roberson, Y.	
Evers	Kriseman		

Nays—None

Votes after roll call:

Yeas—Cretul, Troutman

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS for CS for SB 1964—A bill to be entitled An act relating to design professionals; creating s. 558.0035, F.S.; providing for limited liability for engineers, surveyors and mappers, architects, interior designers, and registered landscape architects as a result of construction defects resulting from the performance of a contract; providing that, if a contract requires professional liability insurance, the contract may not limit the liability of the design professional inconsistent with the insurance requirements; providing exceptions to the limitation of liability of the design professional; amending ss. 471.023, 472.021, 481.219, and 481.319, F.S.; conforming sections to the limitation of liability for certain design professionals provided in s. 558.0035,

F.S.; providing cross-references to s. 558.0035, F.S.; providing that the act does not affect contracts or agreements entered into, or professional services performed, before July 1, 2010; providing an effective date.

—was read the third time by title.

Representative Sachs offered the following:

(Amendment Bar Code: 329853)

Amendment 1 (with title amendment)—Remove line 30 and insert: damages resulting from a construction defect if the following notice is printed in at least 12-point uppercase boldfaced type on the front page of the contract or on a separate page, is signed by the claimant and the design professional, and includes the date on which the notice is signed:

THE DESIGN PROFESSIONAL TO THIS CONTRACT IS NOT LIABLE TO THE CLAIMANT FOR ECONOMIC LOSS DAMAGES ARISING FROM CONSTRUCTION DEFECTS UNDER THIS CONTRACT. YOU CAN PROTECT YOURSELF BY REQUIRING ADDITIONAL LIABILITY INSURANCE FROM THE DESIGN PROFESSIONAL SINCE EXISTING INSURANCE MAY LIMIT THE DESIGN PROFESSIONAL'S LIABILITY TO YOU FOR BREACHES OF CONTRACT.

TITLE AMENDMENT

Remove line 7 and insert:

performance of a contract; requiring a printed notice in certain contracts; providing that, if a

Rep. Sachs moved the adoption of the amendment, which failed to receive the required two-thirds vote for adoption.

The question recurred on the passage of CS for CS for SB 1964. The vote was:

Session Vote Sequence: 1021

Representative Reagan in the Chair.

Yeas—111

Abruzzo	Eisnaugle	Kreegel	Robaina
Adams	Evers	Kriseman	Roberson, K.
Adkins	Fetterman	Legg	Roberson, Y.
Ambler	Fitzgerald	Llorente	Rogers
Anderson	Ford	Long	Rouson
Aubuchon	Fresen	Lopez-Cantera	Sands
Bembry	Frishe	Mayfield	Schenck
Bernard	Gaetz	McBurney	Schultz
Bogdanoff	Galvano	McKeel	Skidmore
Bovo	Garcia	Murzin	Snyder
Boyd	Gibbons	Nelson	Soto
Brandenburg	Gibson	O'Toole	Stargel
Braynon	Glorioso	Pafford	Steinberg
Brisé	Gonzalez	Patterson	Taylor
Bullard	Grady	Plakon	Thompson, G.
Burgin	Grimsley	Planas	Thompson, N.
Bush	Hays	Poppell	Thurston
Cannon	Heller	Porth	Tobia
Carroll	Holder	Precourt	Van Zant
Chestnut	Homan	Proctor	Waldman
Clarke-Reed	Hooper	Rader	Weatherford
Coley	Horner	Randolph	Weinstein
Crisafulli	Hudson	Ray	Williams, A.
Cruz	Hukill	Reagan	Williams, T.
Culp	Jenne	Reed	Wood
Domino	Jones	Rehwinkel	Workman
Dorworth	Kelly	Renuart	Zapata
Drake	Kiar	Rivera	

Nays—2

Sachs Schwartz

Votes after roll call:

Yeas—Cretul, Hasner, Nehr, Saunders, Troutman

Yeas to Nays—Grady

So the bill passed and was immediately certified to the Senate.

THE SPEAKER IN THE CHAIR

CS for SB 318—A bill to be entitled An act relating to wildlife regulation; amending s. 379.231, F.S.; prohibiting the import or release of nonnative animals in this state unless authorized by the Fish and Wildlife Commission; conforming a cross-reference to changes made by the act; amending s. 379.372, F.S.; prohibiting persons or entities from keeping, possessing, importing, selling, bartering, trading, or breeding certain reptiles in this state; providing exceptions; providing that such prohibitions do not apply to specified zoological facilities; amending s. 379.374, F.S.; providing bonding requirements for the possession of certain wildlife; amending s. 379.3761, F.S.; requiring that any person or entity wishing to keep wildlife in captivity or sell specified species of wildlife obtain a permit from the commission; amending s. 379.401, F.S.; removing a provision classifying the importation of nonindigenous species a Level Three violation; amending s. 479.4015, F.S.; classifying violations relating to the importation, sale, introduction, and release of certain types of nonnative wildlife into this state; requiring the imposition of minimum fines for certain violations; authorizing the commission to impose specified civil penalties for certain violations of state law; limiting the amount of such penalties; authorizing the commission to consider certain factors when determining the amount of such penalty; requiring that the proceeds from the payment of such penalties be deposited into the State Game Trust Fund and used for specified purposes; requiring that the commission submit a report containing certain information to the President of the Senate and the Speaker of the House of Representatives on or before a specified deadline; requiring that the commission annually evaluate the placement of additional species on the list of reptiles of concern beginning by a specified date; amending ss. 379.101, 379.244, 379.26, 379.304, 379.361, 379.363, and 379.3762, F.S.; revising terminology to conform to changes made by the act; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1022

Speaker Cretul in the Chair.

Yeas—116

Abruzzo	Culp	Homan	Poppell
Adams	Domino	Hooper	Porth
Adkins	Dorworth	Horner	Precourt
Ambler	Drake	Hudson	Proctor
Anderson	Eisnagle	Hukill	Rader
Aubuchon	Evers	Jenne	Ray
Bembry	Fetterman	Jones	Reagan
Bernard	Fitzgerald	Kelly	Reed
Bogdanoff	Flores	Kiar	Rehwinkel Vasilinda
Bovo	Ford	Kreegel	Renuart
Boyd	Fresen	Kriseman	Rivera
Brandenburg	Frishe	Llorente	Robaina
Braynon	Gaetz	Long	Roberson, K.
Brisé	Galvano	Lopez-Cantera	Roberson, Y.
Bullard	Garcia	Mayfield	Rogers
Burgin	Gibbons	McBurney	Rouson
Bush	Gibson	McKeel	Sachs
Cannon	Glorioso	Murzin	Sands
Carroll	Gonzalez	Nehr	Saunders
Chestnut	Grady	Nelson	Schenck
Clarke-Reed	Grimsley	O'Toole	Schultz
Coley	Hasner	Pafford	Schwartz
Cretul	Hays	Patterson	Skidmore
Crisafulli	Heller	Plakon	Snyder
Cruz	Holder	Planas	Soto

Stargel	Thompson, N.	Waldman	Williams, T.
Steinberg	Thurston	Weatherford	Wood
Taylor	Tobia	Weinstein	Workman
Thompson, G.	Van Zant	Williams, A.	Zapata

Nays—None

Votes after roll call:

Yeas—Troutman

So the bill passed and was immediately certified to the Senate.

CS for CS for CS for SB 1196—A bill to be entitled An act relating to community associations; amending s. 399.02, F.S.; exempting certain elevators from specific code update requirements; providing a phase-in period for such elevators; amending s. 617.0721, F.S.; revising the limitations on the right of members to vote on corporate matters for certain corporations not for profit that are regulated under ch. 718 or ch. 719, F.S.; amending s. 617.0808, F.S.; excepting certain corporations not for profit that are an association as defined in s. 720.301, F.S., or a corporation regulated under ch. 718 or ch. 719, F.S., from certain provisions relating to the removal of a director; creating s. 617.1606, F.S.; providing that certain statutory provisions providing for the inspection of corporate records do not apply to a corporation not for profit that is an association as defined in s. 720.301, or a corporation regulated under ch. 718 or ch. 719, F.S.; creating s. 627.714, F.S.; requiring that coverage under a unit owner's policy for certain assessments include at least a minimum amount of loss assessment coverage; specifying the maximum amount of any unit owner's loss assessment coverage that can be assessed for any loss; providing that certain changes to the limits of a unit owner's coverage for loss assessments made on or after a specified period before the date of loss do not apply to the loss; providing that certain insurers are not required to pay more than an amount equal to that unit owner's loss assessment coverage limit; requiring that every property insurance policy to an individual unit owner contain a specified provision; amending s. 633.0215, F.S.; exempting certain residential buildings from a requirement to install a manual fire alarm system; amending s. 718.103, F.S.; redefining the term "developer"; amending s. 718.110, F.S.; allowing the condominium association to have the authority to restrict through an amendment to a declaration of condominium, rather than prohibit, the rental of condominium units; authorizing the classification of certain portions of common elements as limited common elements upon receipt of the required vote to amend a declaration; providing that such reclassification is not an amendment pursuant to specified provisions of state law; amending s. 718.111, F.S.; deleting a requirement for the board of a condominium to hold a meeting open to unit owners to establish the amount of an insurance deductible; revising the property to which a property insurance policy for a condominium association applies; revising the requirements for a condominium unit owner's property insurance policy; limiting the circumstances under which a person who violates requirements to maintain association records may be personally liable for a civil penalty; providing that a condominium association is not responsible for the use of certain information provided to an association member under certain circumstances; specifying records of a condominium association which are exempt from a requirement that records be available for inspection by an association member; increasing the amount of time within which a condominium association must provide unit owners with a copy of the association's annual financial report; revising the requirements for rules relating to the financial report that must be adopted by the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation; revising the requirements for a financial report based on the amount of a condominium's revenues; amending s. 718.112, F.S.; revising provisions relating to the terms or appointment or election of condominium members to a board of administration; creating exceptions to such provisions for condominiums that contain timeshares; specifying a certification that a person who is appointed or elected to a board of administration must make or educational requirements such board member must satisfy; conforming cross-references to changes made by the act; deleting a provision prohibiting an association from foregoing the retrofitting

with a fire sprinkler system of common areas in a high-rise building; prohibiting local authorities having jurisdiction from requiring retrofitting with a sprinkler system or other engineered lifesafety system before a specified date; requiring that certain associations initiate, before a specified date, an application for a building permit for the required fire sprinkler installation with the local government having jurisdiction demonstrating that the association will be in compliance with certain firesafety requirements by a specified date; authorizing an association to forgo retrofitting under certain circumstances; providing requirements for a special meeting of unit owners which may be called every 3 years in order to vote to forgo retrofitting of the sprinkler system or other engineered lifesafety systems; providing meeting notice requirements; expanding the monetary obligations that a director or officer must satisfy to avoid abandoning his or her office; amending s. 718.115, F.S.; specifying certain services provided in a declaration of condominium which are obtained pursuant to a bulk contract to be deemed a common expense; specifying provisions that must be contained in a bulk contract; specifying cancellation procedures for bulk contracts; amending s. 718.116, F.S.; increasing the period of accrual of certain assessments used to determine the amount of limited liability of certain first mortgagees or their successors or assignees; requiring a tenant in a unit owned by a person who is delinquent in the payment of a monetary obligation to the condominium association to pay rent to the association under certain circumstances; authorizing the condominium association to sue such tenant who fails to pay rent for eviction under certain circumstances; providing that the tenant is immune from claims from the unit owner as the result of paying rent to the association under certain circumstances; amending s. 718.117, F.S.; revising the circumstances under which a condominium association may be terminated due to economic waste or impossibility; revising provisions specifying the effect of a termination of condominium; amending s. 718.202, F.S.; authorizing the deposit of certain funds into multiple escrow accounts; requiring that an escrow agent maintain separate accounting records for each purchaser under certain circumstances; amending s. 718.301, F.S.; revising conditions under which unit owners other than the developer may elect at least a majority of the members of the board of administration of an association; amending s. 718.303, F.S.; authorizing an association to suspend for a reasonable time the right of a unit owner or the unit's occupant, licensee, or invitee to use certain common elements under certain circumstances; prohibiting a fine from being levied or a suspension from being imposed unless the association meets certain requirements for notice and provides an opportunity for a hearing; authorizing an association to suspend voting rights of a member due to nonpayment of assessments, fines, or other charges under certain circumstances; amending s. 718.501, F.S.; specifying that the jurisdiction of the Division of Florida Condominiums, Timeshares, and Mobile Homes includes bulk assignees and bulk buyers; creating part VII of ch. 718, F.S.; creating the "Distressed Condominium Relief Act"; providing legislative findings and intent; defining the terms "bulk assignee" and "bulk buyer"; providing for the assignment of developer rights by a bulk assignee; specifying liabilities of bulk assignees and bulk buyers; providing exceptions; providing additional responsibilities of bulk assignees and bulk buyers; authorizing certain entities to assign developer rights to a bulk assignee; limiting the number of bulk assignees at any given time; providing for the transfer of control of a board of administration to unit owners; providing effects of such transfer on parcels acquired by a bulk assignee; providing obligations of a bulk assignee upon the transfer of control of a board of administration; requiring that a bulk assignee certify certain information in writing; providing for the resolution of a conflict between specified provisions of state law; providing that the failure of a bulk assignee or bulk buyer to comply with specified provisions of state law results in the loss of certain protections and exemptions; requiring that a bulk assignee or bulk buyer file certain information with the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation before offering any units for sale or lease in excess of a specified term; requiring that a copy of such information be provided to a prospective purchaser or tenant; requiring that certain contracts and disclosure statements contain specified statements; requiring that a bulk assignee or bulk buyer comply with certain disclosure requirements; prohibiting a bulk assignee from authorizing certain actions on behalf of an

association while the bulk assignee is in control of the board of administration of the association; requiring that a bulk assignee or bulk buyer comply with certain laws with respect to contracts entered into by the association while the bulk assignee or bulk buyer was in control of the board of administration; providing parcel owners with specified protections regarding certain contracts; requiring that a bulk buyer comply with certain requirements regarding the transfer of a parcel; prohibiting a person from being classified as a bulk assignee or bulk buyer unless condominium parcels were acquired before a specified date; providing that the assignment of developer rights to a bulk assignee does not release a developer from certain liabilities; amending s. 719.106, F.S.; providing for the filling of vacancies on the condominium board of administration; amending s. 719.1055, F.S.; providing an additional required provision in cooperative bylaws; deleting a provision prohibiting an association from foregoing the retrofitting with a fire sprinkler system of common areas in a high-rise building; prohibiting local authorities having jurisdiction from requiring retrofitting with a sprinkler system or other engineered lifesafety system before a specified date; providing requirements for a special meeting of unit owners which may be called every 3 years in order to vote to require retrofitting of the sprinkler system or other engineered lifesafety system; providing meeting notice requirements; amending s. 719.108, F.S.; providing a prioritized list for disbursement of payments received by an association; providing for a lien by an association on a condominium unit for certain fees and costs; providing procedures and notice requirements for the filing of a lien by an association; requiring a tenant in a unit owned by a person who is delinquent in the payment of a monetary obligation to the condominium association to pay rent to the association under certain circumstances; amending s. 720.303, F.S.; revising provisions relating to homeowners' association board meetings, inspection and copying of records, and reserve accounts of budgets; expanding the list of association records that are not accessible to members and parcel owners; prohibiting certain association personnel from receiving a salary or compensation; providing exceptions; amending s. 720.304, F.S.; providing that a flagpole and any flagpole display are subject to certain codes and regulations; amending s. 720.305, F.S.; authorizing the association to suspend rights to use common areas and facilities if the member is delinquent on the payment of a monetary obligation due for a certain period of time; providing procedures and notice requirements for levying a fine or imposing a suspension; amending s. 720.306, F.S.; providing requirements for secret ballots; providing procedures for filling a vacancy on the board of directors; amending s. 720.3085, F.S.; requiring a tenant in a property owned by a person who is delinquent in the payment of a monetary obligation to the condominium association to pay rent to the association under certain circumstances; amending s. 720.31, F.S.; authorizing an association to enter into certain agreements to use lands or facilities; requiring that certain items be stated and fully described in the declaration; limiting an association's power to enter into such agreements after a specified period following the recording of a declaration; requiring that certain agreements be approved by a specified percentage of voting interests of an association when the declaration is silent as to the authority of an association to enter into such agreement; authorizing an association to join with other associations or a master association under certain circumstances and for specified purposes; creating s. 720.315, F.S.; prohibiting the board of directors of a homeowners' association from levying a special assessment before turnover of the association by the developer unless certain conditions are met; providing an effective date.

—was read the third time by title.

Representative Skidmore offered the following:

(Amendment Bar Code: 705061)

Amendment 5 (with title amendment)—Remove line 972 and insert: otherwise, unless otherwise provided in this chapter. All unit owners have the right to be a candidate for board membership. Subject to the restrictions in the governing documents of the association, any person eligible under s. 617.0802 has the right to be a candidate for board membership.

TITLE AMENDMENT

Remove line 75 and insert:
contain timeshares; providing certain persons with the right to be a candidate for board membership; specifying a certification that a

Rep. Skidmore moved the adoption of the amendment, which failed to receive the required two-thirds vote for adoption.

Representative Skidmore offered the following:

(Amendment Bar Code: 029719)

Amendment 6 (with directory and title amendments)—Remove line 1284 and insert:

(5)(a) The association has a lien on each condominium parcel to secure the payment of assessments, any authorized administrative late fees, and any reasonable costs for collection services for which the association has contracted. Except as otherwise provided in subsection (1) and as set forth below, the lien is effective from and shall relate back to the recording of the original declaration of condominium, or, in the case of lien on a parcel located in a phase condominium, the last to occur of the recording of the original declaration or amendment thereto creating the parcel. However, as to first mortgages of record, the lien is effective from and after recording of a claim of lien in the public records of the county in which the condominium parcel is located. Nothing in this subsection shall be construed to bestow upon any lien, mortgage, or certified judgment of record on April 1, 1992, including the lien for unpaid assessments created herein, a priority which, by law, the lien, mortgage, or judgment did not have before that date.

DIRECTORY AMENDMENT

Remove line 1242 and insert:
(3), and paragraphs (a) and (b) of subsection (5) of section 718.116,

TITLE AMENDMENT

Remove line 106 and insert:
s. 718.116, F.S.; providing for a lien by an association on a condominium unit for certain fees and costs; increasing the period of accrual of

Rep. Skidmore moved the adoption of the amendment.

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 1023].

The question recurred on the adoption of **Amendment 6**, which failed to receive the required two-thirds vote for adoption.

Representative Soto offered the following:

(Amendment Bar Code: 562491)

Amendment 7 (with directory and title amendments)—Remove lines 2894-2934

DIRECTORY AMENDMENT

Remove lines 2892-2893

TITLE AMENDMENT

Remove lines 235-239 and insert:
amending s. 720.31, F.S.;

Rep. Soto moved the adoption of the amendment. Subsequently, **Amendment 7** was withdrawn.

Representative Skidmore offered the following:

(Amendment Bar Code: 757793)

Amendment 8 (with directory and title amendments)—Between lines 2894 and 2895, insert:

(1) When authorized by the governing documents, the association has a lien on each parcel to secure the payment of assessments, any authorized administrative late fees, any reasonable costs for collection services for which the association has contracted, and other amounts provided for by this section. Except as otherwise set forth in this section, the lien is effective from and shall relate back to the date on which the original declaration of the community was recorded. However, as to first mortgages of record, the lien is effective from and after recording of a claim of lien in the public records of the county in which the parcel is located. This subsection does not bestow upon any lien, mortgage, or certified judgment of record on July 1, 2008, including the lien for unpaid assessments created in this section, a priority that, by law, the lien, mortgage, or judgment did not have before July 1, 2008.

DIRECTORY AMENDMENT

Remove lines 2892-2893 and insert:

Section 26. Subsection (1) of section 720.3085, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

TITLE AMENDMENT

Remove line 235 and insert:
amending s. 720.3085, F.S.; providing for a lien by an association for certain fees and costs; requiring a tenant in a

Rep. Skidmore moved the adoption of the amendment, which failed to receive the required two-thirds vote for adoption.

Representative Robaina offered the following:

(Amendment Bar Code: 602859)

Amendment 9 (with title amendment)—Between lines 2976 and 2977, insert:

Section 29. Subsection (10) is added to section 20.165, Florida Statutes, to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(10) All employees authorized by the Division of Florida Condominiums, Timeshares, and Mobile Homes shall have access to and shall have the right to examine and inspect the premises, books, and records of any condominium, cooperative, timeshare, or mobile home park regulated by the division. Such employees shall also have access to and shall have the right to examine and inspect the books and records of any community association manager or firm employed by any condominium, cooperative, timeshare, or mobile home park regulated by the division.

Section 30. Paragraph (b) of subsection (2) of section 468.436, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

468.436 Disciplinary proceedings.—

(2) The following acts constitute grounds for which the disciplinary actions in subsection (4) may be taken:

(b)1. Violation of any provision of this part.

2. Violation of any lawful order or rule rendered or adopted by the department or the council.

3. Being convicted of or pleading nolo contendere to a felony in any court in the United States.

4. Obtaining a license or certification or any other order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts.

5. Committing acts of ~~gross~~ misconduct or ~~gross~~ negligence in connection with the profession.

6. Contracting, on behalf of an association, with any entity in which the licensee has a financial interest that is not disclosed.

(6) Upon the fifth or later finding that a community association manager is guilty of any of the grounds set forth in subsection (2), or upon the third or later finding that a community association manager is guilty of a specific ground for which the disciplinary actions set forth in subsection (2) may be taken, the department's discretion under subsection (4) shall not apply and the division shall enter an order permanently revoking the license.

TITLE AMENDMENT

Remove line 256 and insert:

certain conditions are met; amending s. 20.165, F.S.; providing certain inspection powers for employees of the Division of Florida Condominiums, Timeshares, and Mobile Homes; amending s. 468.436, F.S.; revising a ground for disciplinary action relating to misconduct or negligence; requiring the Department of Business and Professional Regulation to enter an order permanently revoking the license of a community association manager under certain circumstances; providing an effective

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 1024].

The question recurred on the adoption of **Amendment 9**, which failed to receive the required two-thirds vote for adoption. The vote was:

Session Vote Sequence: 1025

Speaker Cretul in the Chair.

Yeas—61

Abruzzo	Domino	Kiar	Saunders
Ambler	Drake	Kreegel	Schultz
Anderson	Evers	Kriseman	Schwartz
Bembry	Fetterman	Long	Skidmore
Bernard	Fitzgerald	Murzin	Soto
Bovo	Frishe	Pafford	Steinberg
Boyd	Garcia	Planas	Taylor
Brandenburg	Gibbons	Rader	Thompson, G.
Braynon	Gibson	Randolph	Thurston
Brisé	Gonzalez	Reed	Troutman
Bullard	Heller	Rehwinkel	Vasilinda
Bush	Holder	Robaina	Williams, A.
Chestnut	Homan	Roberson, Y.	Zapata
Clarke-Reed	Jenne	Rogers	
Cruz	Jones	Rouson	
Culp	Kelly	Sands	

Nays—53

Adams	Gaetz	Nehr	Schenck
Adkins	Galvano	Nelson	Snyder
Aubuchon	Grady	O'Toole	Stargel
Bogdanoff	Hasner	Patterson	Thompson, N.
Burgin	Hays	Plakon	Tobia
Cannon	Hooper	Poppell	Van Zant
Carroll	Horner	Porth	Weatherford
Coley	Hukill	Precourt	Weinstein
Cretul	Legg	Proctor	Williams, T.
Crisafulli	Llorente	Ray	Wood
Dorworth	Lopez-Cantera	Reagan	Workman
Eisnaugle	Mayfield	Renuart	
Ford	McBurney	Roberson, K.	
Fresen	McKeel	Sachs	

Votes after roll call:

Nays—Grimsley, Hudson

Yeas to Nays—Abruzzo

Representative Ambler offered the following:

(Amendment Bar Code: 359379)

Amendment 10 (with title amendment)—Between lines 2976 and 2977, insert:

Section 29. Part IV of chapter 720, Florida Statutes, consisting of sections 720.501, 720.502, 720.503, 720.504, 720.505, 720.506, 720.507, 720.508, 720.509, and 720.510, is created to read:

PART IV DISPUTE RESOLUTION

720.501 Short title.—This part may be cited as the "Home Court Advantage Dispute Resolution Act."

720.502 Legislative findings.—The Legislature finds that alternative dispute resolution has made progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to litigation.

720.503 Applicability of this part.—

(1) Unless otherwise provided in this part, before a dispute described in this part between a homeowners' association and a parcel owner or owners, or a dispute between parcel owners within the same homeowners' association, may be filed in court, the dispute is subject to presuit mediation pursuant to s. 720.505 or presuit arbitration pursuant to s. 720.507, at the option of the aggrieved party who initiates the first formal action of alternative dispute resolution under this part. The parties may mutually agree to participate in both presuit mediation and presuit arbitration prior to suit being filed by either party.

(2) Unless otherwise provided in this part, the mediation and arbitration provisions of this part are limited to disputes between an association and a parcel owner or owners or between parcel owners regarding the use of or changes to the parcel or the common areas under the governing documents and other disputes involving violations of the recorded declaration of covenants or other governing documents, disputes arising concerning enforcement of the governing documents or any amendments thereto, and disputes involving access to the official records of the association. A dispute concerning title to any parcel or common area, interpretation or enforcement of any warranty, the levy of a fee or assessment, the collection of an assessment levied against a party, the eviction or other removal of a tenant from a parcel, alleged breaches of fiduciary duty by one or more directors, or any action to collect mortgage indebtedness or to foreclose a mortgage shall not be subject to the provisions of this part.

(3) A dispute arising after the effective date of this part involving the election of the board of directors for an association or the recall of any member of the board or officer of the association is ineligible for presuit mediation under s. 720.505 and subject to presuit arbitration under s. 720.507.

(4) In any dispute subject to presuit mediation or presuit arbitration under this part for which emergency relief is required, a motion for temporary injunctive relief may be filed with the court without first complying with the presuit mediation or presuit arbitration requirements of this part. After any issues regarding emergency or temporary relief are resolved, the court may refer the parties to a mediation program administered by the courts or require mediation or arbitration under this part.

(5) The mailing of a statutory notice of presuit mediation or presuit arbitration as provided in this part shall toll the applicable statute of limitations during the pendency of the mediation or arbitration and for a period of 30 days following the conclusion of either proceeding. The 30-day period shall start upon the filing of the mediator's notice of impasse or the arbitrator's written arbitration award. If the parties mutually agree to participate in both presuit mediation and presuit arbitration under this part, the tolling of the applicable statute of limitations for each such alternative dispute resolution proceeding shall be consecutive.

720.504 Notice of dispute.—Prior to giving the statutory notice to proceed under presuit mediation or presuit arbitration under this part, the aggrieved association or parcel owner must first provide written notice of the dispute to the responding party in the manner provided by this section.

(1) The notice of dispute shall be delivered to the responding party by certified mail, return receipt requested, or in person, and the person making

delivery shall file with the notice of mediation either the proof of receipt of mailing or an affidavit stating the date and time of the delivery of the notice of dispute. If the notice is delivered by certified mail, return receipt requested, and the responding party fails or refuses to accept delivery, notice shall be considered properly delivered for purposes of this section on the date of the first attempted delivery.

(2) The notice of dispute shall state with specificity the nature of the dispute, including the date, time, and location of each event that is the subject of the dispute and the action requested to resolve the dispute. The notice shall also include the text of any provision in the governing documents, including the rules and regulations, of the association which form the basis of the dispute.

(3) Unless the parties otherwise agree in writing to a longer time period, the party receiving the notice of dispute shall have 10 days following the date of receipt of notice to resolve the dispute. If the alleged dispute has not been resolved within the 10-day period, the aggrieved party may proceed under this part at any time thereafter within the applicable statute of limitations.

(4) A copy of the notice and the text of the provision in the governing documents, or the rules and regulations, of the association which are the basis of the dispute, along with proof of service of the notice of dispute and a copy of any written responses received from the responding party, shall be included as an exhibit to any demand for mediation or arbitration under this part.

720.505 Presuit mediation.—

(1) Disputes between an association and a parcel owner or owners or between parcel owners must be submitted to presuit mediation before the dispute may be filed in court; or, at the election of the party initiating the presuit procedures, such dispute may be submitted to presuit arbitration pursuant to s. 720.507 before the dispute may be filed in court. An aggrieved party who elects to use the presuit mediation procedure under this section shall serve on the responding party a written notice of presuit mediation in substantially the following form:

STATUTORY NOTICE OF PRESUIT MEDIATION

THE ALLEGED AGGRIEVED PARTY,
_____, HEREBY DEMANDS THAT
_____, AS THE RESPONDING PARTY,
ENGAGE IN MANDATORY PRESUIT MEDIATION IN
CONNECTION WITH THE FOLLOWING DISPUTE(S) WITH
YOU, WHICH BY STATUTE ARE OF A TYPE THAT ARE
SUBJECT TO PRESUIT MEDIATION:

ATTACHED IS A COPY OF THE PRIOR NOTICE OF
VIOLATION WHICH DETAILS THE SPECIFIC NATURE OF
THE DISPUTE(S) TO BE MEDIATED AND THE AUTHORITY
SUPPORTING A FINDING OF A VIOLATION AS TO EACH
DISPUTE, INCLUDING, BUT NOT LIMITED TO, THE
APPLICABLE PROVISIONS OF THE GOVERNING
DOCUMENTS OF THE ASSOCIATION BELIEVED TO
APPLY TO THE DISPUTE BETWEEN THE PARTIES, AND A
COPY OF THE NOTICE YOU RECEIVED OR REFUSED AND
COPIES OF ANY WRITTEN RESPONSE(S) RECEIVED FROM
YOU ABOUT THIS DISPUTE.

PURSUANT TO PART IV OF CHAPTER 720, FLORIDA
STATUTES, THIS DEMAND TO RESOLVE THE DISPUTE
THROUGH PRESUIT MEDIATION IS REQUIRED BEFORE A
LAWSUIT CAN BE FILED CONCERNING THE DISPUTE.
PURSUANT TO FLORIDA STATUTES, THE PARTIES ARE
REQUIRED TO ENGAGE IN PRESUIT MEDIATION WITH A
NEUTRAL THIRD-PARTY MEDIATOR IN ORDER TO
ATTEMPT TO RESOLVE THIS DISPUTE WITHOUT COURT
ACTION, AND THE AGGRIEVED PARTY DEMANDS THAT
YOU PARTICIPATE IN THIS PROCESS. UNLESS YOU
RESPOND TO THIS NOTICE BY FILING WITH THE
AGGRIEVED PARTY A NOTICE OF OPTING OUT AND

DEMAND FOR ARBITRATION UNDER SECTION 720.506,
FLORIDA STATUTES, YOUR FAILURE TO PARTICIPATE IN
THE MEDIATION PROCESS MAY RESULT IN A LAWSUIT
BEING FILED IN COURT AGAINST YOU WITHOUT
FURTHER NOTICE.

THE PROCESS OF MEDIATION INVOLVES A SUPERVISED
NEGOTIATION PROCESS IN WHICH A TRAINED,
NEUTRAL THIRD-PARTY MEDIATOR MEETS WITH BOTH
PARTIES AND ASSISTS THEM IN EXPLORING POSSIBLE
OPPORTUNITIES FOR RESOLVING PART OR ALL OF THE
DISPUTE. BY AGREEING TO PARTICIPATE IN PRESUIT
MEDIATION, YOU ARE NOT BOUND IN ANY WAY TO
CHANGE YOUR POSITION. FURTHERMORE, THE
MEDIATOR HAS NO AUTHORITY TO MAKE ANY
DECISIONS IN THIS MATTER OR TO DETERMINE WHO IS
RIGHT OR WRONG AND MERELY ACTS AS A FACILITATOR
TO ENSURE THAT EACH PARTY UNDERSTANDS THE
POSITION OF THE OTHER PARTY AND THAT ALL
OPTIONS FOR REASONABLE SETTLEMENT ARE FULLY
EXPLORED.

IF AN AGREEMENT IS REACHED, IT SHALL BE REDUCED
TO WRITING AND BECOME A BINDING AND
ENFORCEABLE CONTRACT BETWEEN THE PARTIES. A
RESOLUTION OF ONE OR MORE DISPUTES IN THIS
FASHION AVOIDS THE NEED TO LITIGATE THESE ISSUES
IN COURT. THE FAILURE TO REACH AN AGREEMENT, OR
THE FAILURE OF A PARTY TO PARTICIPATE IN THE
PROCESS, RESULTS IN THE MEDIATOR DECLARING AN
IMPASSE IN THE MEDIATION, AFTER WHICH THE
AGGRIEVED PARTY MAY PROCEED TO FILE A LAWSUIT
ON ALL OUTSTANDING, UNSETTLED DISPUTES. IF YOU
HAVE FAILED OR REFUSED TO PARTICIPATE IN THE
ENTIRE MEDIATION PROCESS, YOU WILL NOT BE
ENTITLED TO RECOVER ATTORNEY'S FEES IF YOU
PREVAIL IN A SUBSEQUENT COURT PROCEEDING
INVOLVING THE SAME DISPUTE.

THE AGGRIEVED PARTY HAS SELECTED FROM A LIST OF
ELIGIBLE, QUALIFIED MEDIATORS AT LEAST FIVE
CERTIFIED MEDIATORS WHO THE AGGRIEVED PARTY
BELIEVES TO BE NEUTRAL AND QUALIFIED TO
MEDIATE THE DISPUTE. YOU HAVE THE RIGHT TO
SELECT ANY ONE OF THESE MEDIATORS. THE FACT
THAT ONE PARTY MAY BE FAMILIAR WITH ONE OR
MORE OF THE LISTED MEDIATORS DOES NOT MEAN
THAT THE MEDIATOR CANNOT ACT AS A NEUTRAL AND
IMPARTIAL FACILITATOR. THE NAMES OF THE
MEDIATORS THAT THE AGGRIEVED PARTY HEREBY
SUBMITS TO YOU FROM WHOM YOU MAY CHOOSE ONE,
AND THEIR CURRENT ADDRESSES, TELEPHONE
NUMBERS, AND HOURLY RATES ARE AS FOLLOWS:

(LIST THE NAMES, ADDRESSES, TELEPHONE NUMBERS,
AND HOURLY RATES OF THE MEDIATORS. OTHER
PERTINENT INFORMATION ABOUT THE BACKGROUND
OF THE MEDIATORS MAY BE INCLUDED AS AN
ATTACHMENT.)

YOU MAY CONTACT THE OFFICES OF THESE MEDIATORS
TO CONFIRM THAT EACH OF THE ABOVE-LISTED
MEDIATORS WILL BE NEUTRAL AND WILL NOT SHOW
ANY FAVORITISM TOWARD EITHER PARTY. UNLESS
OTHERWISE AGREED TO BY THE PARTIES, PART IV OF
CHAPTER 720, FLORIDA STATUTES, REQUIRES THAT THE
PARTIES SHARE THE COSTS OF PRESUIT MEDIATION

EQUALLY, INCLUDING THE FEE CHARGED BY THE MEDIATOR. AN AVERAGE MEDIATION MAY REQUIRE 3 TO 4 HOURS OF THE MEDIATOR'S TIME, INCLUDING SOME PREPARATION TIME, AND THE PARTIES WOULD NEED TO EQUALLY SHARE THE MEDIATOR'S FEES AS WELL AS BE RESPONSIBLE FOR ALL OF THEIR OWN ATTORNEY'S FEES IF THEY CHOOSE TO EMPLOY AN ATTORNEY IN CONNECTION WITH THE MEDIATION. HOWEVER, USE OF AN ATTORNEY IS NOT REQUIRED AND IS AT THE OPTION OF EACH PARTY. THE MEDIATORS MAY REQUIRE THE ADVANCE PAYMENT OF SOME OR ALL OF THE ANTICIPATED FEES. THE AGGRIEVED PARTY HEREBY AGREES TO PAY OR PREPAY ONE-HALF OF THE SELECTED MEDIATOR'S ESTIMATED FEES AND TO FORWARD THIS AMOUNT OR SUCH OTHER REASONABLE ADVANCE DEPOSITS AS THE MEDIATOR REQUIRES FOR THIS PURPOSE UPON THE SELECTION OF THE MEDIATOR. ANY FUNDS DEPOSITED WILL BE RETURNED TO YOU IF THESE FUNDS ARE IN EXCESS OF YOUR SHARE OF THE MEDIATOR FEES INCURRED.

TO BEGIN YOUR PARTICIPATION IN PRESUIT MEDIATION TO TRY TO RESOLVE THE DISPUTE WITH YOU AND AVOID FURTHER LEGAL ACTION, PLEASE SIGN BELOW AND CLEARLY INDICATE WHICH MEDIATOR IS ACCEPTABLE TO YOU FROM THE FIVE MEDIATORS LISTED BY THE AGGRIEVED PARTY ABOVE.

YOU MUST RESPOND IN WRITING TO THIS STATUTORY NOTICE OF PRESUIT MEDIATION WITHIN 20 DAYS. IN YOUR RESPONSE YOU MUST PROVIDE A LISTING OF AT LEAST THREE DATES AND TIMES IN WHICH YOU ARE AVAILABLE TO PARTICIPATE IN THE MEDIATION THAT ARE WITHIN 90 DAYS AFTER THE POSTMARKED DATE OF THE MAILING OF THIS NOTICE OF PRESUIT MEDIATION OR WITHIN 90 DAYS AFTER THE DATE YOU WERE SERVED WITH A COPY OF THIS NOTICE. THE AGGRIEVED PARTY WILL THEN ASK THE MEDIATOR TO SCHEDULE A MUTUALLY CONVENIENT TIME AND PLACE FOR THE MEDIATION CONFERENCE TO BE HELD. IF YOU DO NOT PROVIDE A LIST OF AVAILABLE DATES AND TIMES, THE MEDIATOR IS AUTHORIZED TO SCHEDULE A MEDIATION CONFERENCE WITHOUT TAKING YOUR SCHEDULE AND CONVENIENCE INTO CONSIDERATION. IN NO EVENT SHALL THE MEDIATION CONFERENCE BE LATER THAN 90 DAYS AFTER THE NOTICE OF PRESUIT MEDIATION WAS FIRST SERVED UNLESS ALL PARTIES MUTUALLY AGREE OTHERWISE. IN THE EVENT THAT YOU FAIL TO RESPOND WITHIN 20 DAYS AFTER THE DATE OF THIS NOTICE, FAIL TO PROVIDE THE MEDIATOR WITH DATES AND TIMES IN WHICH YOU ARE AVAILABLE FOR THE MEDIATION CONFERENCE, FAIL TO AGREE TO ONE OF THE MEDIATORS THAT THE AGGRIEVED PARTY HAS LISTED, FAIL TO PAY OR PREPAY TO THE MEDIATOR ONE-HALF OF THE COSTS INVOLVED, OR FAIL TO APPEAR AND PARTICIPATE AT THE SCHEDULED MEDIATION, THE AGGRIEVED PARTY WILL BE AUTHORIZED TO PROCEED WITH THE FILING OF A LAWSUIT AGAINST YOU WITHOUT FURTHER NOTICE. IN ANY SUBSEQUENT COURT ACTION, THE AGGRIEVED PARTY MAY SEEK AN AWARD OF REASONABLE ATTORNEY'S FEES AND COSTS INCURRED IN ATTEMPTING TO OBTAIN MEDIATION.

PLEASE GIVE THIS MATTER YOUR IMMEDIATE ATTENTION. BY LAW, YOUR RESPONSE MUST BE MAILED BY CERTIFIED, FIRST-CLASS MAIL, RETURN

RECEIPT REQUESTED, TO THE AGGRIEVED PARTY LISTED ABOVE AT THE ADDRESS SHOWN ON THIS NOTICE AND POSTMARKED NO MORE THAN 20 DAYS AFTER THE DATE OF THE POSTMARKED DATE FOR THIS NOTICE OR WITHIN 20 DAYS AFTER THE DATE UPON WHICH YOU WERE SERVED WITH A COPY OF THIS NOTICE.

SIGNATURE OF AGGRIEVED PARTY

PRINTED NAME OF AGGRIEVED PARTY

RESPONDING PARTY: YOUR SIGNATURE BELOW INDICATES YOUR ACCEPTANCE OF THE AGREEMENT TO MEDIATE.

AGREEMENT TO MEDIATE

THE UNDERSIGNED HEREBY AGREES TO PARTICIPATE IN PRESUIT MEDIATION AND AGREES TO ATTEND A MEDIATION CONDUCTED BY THE MEDIATOR LISTED BELOW AS ACCEPTABLE TO MEDIATE THIS DISPUTE:

(LIST ONE ACCEPTABLE MEDIATOR FROM THOSE LISTED BY THE AGGRIEVED PARTY.)

THE UNDERSIGNED HEREBY REPRESENTS THAT HE OR SHE CAN ATTEND AND PARTICIPATE IN THE PRESUIT MEDIATION AT THE FOLLOWING DATES AND TIMES:

(LIST AT LEAST THREE AVAILABLE DATES AND TIMES WITHIN THE 90-DAY TIME LIMIT DESCRIBED ABOVE.)

I/WE FURTHER AGREE TO PAY OR PREPAY ONE-HALF OF THE MEDIATOR'S FEES AND TO FORWARD SUCH ADVANCE DEPOSITS AS THE MEDIATOR MAY REQUIRE FOR THIS PURPOSE.

SIGNATURE OF RESPONDING PARTY #1

TELEPHONE CONTACT INFORMATION

SIGNATURE AND TELEPHONE CONTACT INFORMATION OF RESPONDING PARTY #2, IF APPLICABLE. IF THE PROPERTY IS OWNED BY MORE THAN ONE PERSON, ALL OWNERS MUST SIGN, OR A PERSON MAY SIGN WHO IS ACTING UNDER AUTHORITY OF A VALID POWER OF ATTORNEY GRANTED BY AN OWNER.

(2)(a) Service of the notice of presuit mediation shall be effected either by personal service, as provided in chapter 48, or by certified mail, return receipt requested, in a letter in substantial conformity with the form provided in subsection (1), with an additional copy being sent by regular first-class mail, to the address of the responding party as it last appears on the books and records of the association or, if not available, then as it last appears in the official records of the county property appraiser where the parcel in dispute is located. The responding party has 20 days after the postmarked date of the mailing of the statutory notice or the date the responding party is served with a copy of the notice to serve a written response to the aggrieved party. The response shall be served by certified mail, return receipt requested, with an additional copy being sent by regular first-class mail, to the address shown on the statutory notice. The date of the postmark on the envelope for the response shall constitute the date that the response is served. Once the parties have agreed on a mediator, the mediator may schedule or reschedule the mediation for a date and time mutually convenient to the parties within 90 days after the

date of service of the statutory notice. After such 90-day period, the mediator may reschedule the mediation only upon the mutual written agreement of all the parties.

(b) The parties shall share the costs of presuit mediation equally, including the fee charged by the mediator, if any, unless the parties agree otherwise, and the mediator may require advance payment of his or her reasonable fees and costs. Each party shall be responsible for that party's own attorney's fees if a party chooses to be represented by an attorney at the mediation.

(c) The party responding to the aggrieved party may provide a notice of opting out under s. 720.506 and demand arbitration or may sign the agreement to mediate included in the notice of presuit mediation. A responding party signing the agreement to mediate must clearly indicate the name of the mediator who is acceptable from the five names provided by the aggrieved party and must provide a list of dates and times in which the responding party is available to participate in the mediation within 90 days after the date the responding party was served, either by process server or by certified mail, with the statutory notice of presuit mediation.

(d) The mediator who has been selected and agreed to mediate must schedule the mediation conference at a mutually convenient time and place within that 90-day period; but, if the responding party does not provide a list of available dates and times, the mediator is authorized to schedule a mediation conference without taking the responding party's schedule and convenience into consideration. Within 10 days after the designation of the mediator, the mediator shall coordinate with the parties and notify the parties in writing of the date, time, and place of the mediation conference.

(e) The mediation conference must be held on the scheduled date and may be rescheduled if a rescheduled date is approved by the mediator. However, in no event shall the mediation be held later than 90 days after the notice of presuit mediation was first served, unless all parties mutually agree in writing otherwise. If the presuit mediation is not completed within the required time limits, the mediator shall declare an impasse unless the mediation date is extended by mutual written agreement by all parties and approved by the mediator.

(f) If the responding party fails to respond within 20 days after the date of service of the statutory notice of presuit mediation, fails to agree to at least one of the mediators listed by the aggrieved party in the notice, fails to pay or prepay to the mediator one-half of the costs of the mediator, or fails to appear and participate at the scheduled mediation, the aggrieved party shall be authorized to proceed with the filing of a lawsuit without further notice.

(g)1. The failure of any party to respond to the statutory notice of presuit mediation within 20 days, the failure to agree upon a mediator, the failure to provide a listing of dates and times in which the responding party is available to participate in the mediation within 90 days after the date the responding party was served with the statutory notice of presuit mediation, the failure to make payment of fees and costs within the time established by the mediator, or the failure to appear for a scheduled mediation session without the approval of the mediator shall in each instance constitute a failure or refusal to participate in the mediation process and shall operate as an impasse in the presuit mediation by such party, entitling the other party to file a lawsuit in court and to seek an award of the costs and attorney's fees associated with the mediation.

2. Persons who fail or refuse to participate in the entire mediation process may not recover attorney's fees and costs in subsequent litigation relating to the same dispute between the same parties. If any presuit mediation session cannot be scheduled and conducted within 90 days after the offer to participate in mediation was filed, through no fault of either party, then an impasse shall be deemed to have occurred unless the parties mutually agree in writing to extend this deadline. In the event of such impasse, each party shall be responsible for its own costs and attorney's fees and one-half of any mediator fees and filing fees, and either party may file a lawsuit in court regarding the dispute.

720.506 Opt-out of presuit mediation.—A party served with a notice of presuit mediation under s. 720.505 may opt out of presuit mediation and demand that the dispute proceed under nonbinding arbitration as follows:

(1) In lieu of a response to the notice of presuit mediation as required under s. 720.505, the responding party may serve upon the aggrieved party, in the same manner as the response to a notice for presuit mediation under s.

720.505, a notice of opting out of mediation and demand that the dispute instead proceed to presuit arbitration under s. 720.507.

(2) The aggrieved party shall be relieved from having to satisfy the requirements of s. 720.504 as a condition precedent to filing the demand for presuit arbitration.

(3) Except as otherwise provided in this part, the choice of which presuit alternative dispute resolution procedure is used shall be at the election of the aggrieved party who first initiated such proceeding after complying with the provisions of s. 720.504.

720.507 Presuit arbitration.—

(1) Disputes between an association and a parcel owner or owners or between parcel owners are subject to a demand for presuit arbitration pursuant to this section before the dispute may be filed in court. A party who elects to use the presuit arbitration procedure under this part shall serve on the responding party a written notice of presuit arbitration in substantially the following form:

STATUTORY NOTICE OF PRESUIT ARBITRATION

THE _____ ALLEGED _____ AGGRIEVED _____ PARTY,
_____, HEREBY DEMANDS THAT
_____, AS THE RESPONDING PARTY,
ENGAGE IN MANDATORY PRESUIT ARBITRATION IN
CONNECTION WITH THE FOLLOWING DISPUTE(S) WITH
YOU, WHICH BY STATUTE ARE OF A TYPE THAT ARE
SUBJECT TO PRESUIT ARBITRATION:

(LIST SPECIFIC NATURE OF THE DISPUTE OR DISPUTES
TO BE ARBITRATED AND THE AUTHORITY SUPPORTING
A FINDING OF A VIOLATION AS TO EACH DISPUTE,
INCLUDING, BUT NOT LIMITED TO, ALL APPLICABLE
PROVISIONS OF THE GOVERNING DOCUMENTS
BELIEVED TO APPLY TO THE DISPUTE BETWEEN THE
PARTIES.)

PURSUANT TO PART IV OF CHAPTER 720, FLORIDA
STATUTES, THIS DEMAND TO RESOLVE THE DISPUTE
THROUGH PRESUIT ARBITRATION IS REQUIRED BEFORE
A LAWSUIT CAN BE FILED CONCERNING THE DISPUTE.
PURSUANT TO FLORIDA STATUTES, THE PARTIES ARE
REQUIRED TO ENGAGE IN PRESUIT ARBITRATION WITH
A NEUTRAL THIRD-PARTY ARBITRATOR IN ORDER TO
ATTEMPT TO RESOLVE THIS DISPUTE WITHOUT COURT
ACTION, AND THE AGGRIEVED PARTY DEMANDS THAT
YOU PARTICIPATE IN THIS PROCESS. IF YOU FAIL TO
PARTICIPATE IN THE ARBITRATION PROCESS, A
LAWSUIT MAY BE BROUGHT AGAINST YOU IN COURT
WITHOUT FURTHER WARNING.

THE PROCESS OF ARBITRATION INVOLVES A NEUTRAL
THIRD PERSON WHO CONSIDERS THE LAW AND FACTS
PRESENTED BY THE PARTIES AND RENDERS A WRITTEN
DECISION CALLED AN "ARBITRATION AWARD."
PURSUANT TO SECTION 720.507, FLORIDA STATUTES,
THE ARBITRATION AWARD SHALL BE FINAL UNLESS A
LAWSUIT IS FILED IN A COURT OF COMPETENT
JURISDICTION FOR THE JUDICIAL CIRCUIT IN WHICH
THE PARCEL(S) GOVERNED BY THE HOMEOWNERS'
ASSOCIATION IS/ARE LOCATED WITHIN 30 DAYS AFTER
THE DATE OF THE ARBITRATION AWARD.

IF A SETTLEMENT AGREEMENT IS REACHED BEFORE
THE ARBITRATION AWARD, IT SHALL BE REDUCED TO
WRITING AND BECOME A BINDING AND ENFORCEABLE
CONTRACT OF THE PARTIES. A RESOLUTION OF ONE OR
MORE DISPUTES IN THIS FASHION AVOIDS THE NEED TO
ARBITRATE THESE ISSUES OR TO LITIGATE THESE
ISSUES IN COURT AND SHALL BE THE SAME AS A

SETTLEMENT AGREEMENT REACHED BETWEEN THE PARTIES UNDER SECTION 720.505, FLORIDA STATUTES. THE FAILURE OF A PARTY TO PARTICIPATE IN THE ARBITRATION PROCESS MAY RESULT IN THE ARBITRATOR ISSUING AN ARBITRATION AWARD BY DEFAULT IN THE ARBITRATION. IF YOU HAVE FAILED OR REFUSED TO PARTICIPATE IN THE ENTIRE ARBITRATION PROCESS, YOU WILL NOT BE ENTITLED TO RECOVER ATTORNEY'S FEES IF YOU PREVAIL IN A SUBSEQUENT COURT PROCEEDING INVOLVING THE SAME DISPUTE.

THE AGGRIEVED PARTY HAS SELECTED AT LEAST FIVE ARBITRATORS WHO THE AGGRIEVED PARTY BELIEVES TO BE NEUTRAL AND QUALIFIED TO ARBITRATE THE DISPUTE. YOU HAVE THE RIGHT TO SELECT ANY ONE OF THE ARBITRATORS. THE FACT THAT ONE PARTY MAY BE FAMILIAR WITH ONE OR MORE OF THE LISTED ARBITRATORS DOES NOT MEAN THAT THE ARBITRATOR CANNOT ACT AS A NEUTRAL AND IMPARTIAL ARBITRATOR. ANY ARBITRATOR WHO CANNOT ACT IN THIS CAPACITY IS REQUIRED ETHICALLY TO DECLINE TO ACCEPT ENGAGEMENT. THE NAMES OF THE FIVE ARBITRATORS THAT THE AGGRIEVED PARTY HAS CHOSEN FROM WHICH YOU MAY SELECT ONE, AND THEIR CURRENT ADDRESSES, TELEPHONE NUMBERS, AND HOURLY RATES, ARE AS FOLLOWS:

(LIST THE NAMES, ADDRESSES, TELEPHONE NUMBERS, AND HOURLY RATES OF AT LEAST FIVE ARBITRATORS.)

YOU MAY CONTACT THE OFFICES OF THESE ARBITRATORS TO CONFIRM THAT THE LISTED ARBITRATORS WILL BE NEUTRAL AND WILL NOT SHOW ANY FAVORITISM TOWARD EITHER PARTY.

UNLESS OTHERWISE AGREED TO BY THE PARTIES, PART IV OF CHAPTER 720, FLORIDA STATUTES, REQUIRES THAT THE PARTIES SHARE THE COSTS OF PRESUIT ARBITRATION EQUALLY, INCLUDING THE FEE CHARGED BY THE ARBITRATOR. THE PARTIES SHALL BE RESPONSIBLE FOR THEIR OWN ATTORNEY'S FEES IF THEY CHOOSE TO EMPLOY AN ATTORNEY IN CONNECTION WITH THE ARBITRATION. HOWEVER, USE OF AN ATTORNEY TO REPRESENT YOU FOR THE ARBITRATION IS NOT REQUIRED. THE ARBITRATOR SELECTED MAY REQUIRE THE ADVANCE PAYMENT OF SOME OR ALL OF THE ANTICIPATED FEES. THE AGGRIEVED PARTY HEREBY AGREES TO PAY OR PREPAY ONE-HALF OF THE SELECTED ARBITRATOR'S ESTIMATED FEES AND TO FORWARD THIS AMOUNT OR SUCH OTHER REASONABLE ADVANCE DEPOSITS AS THE ARBITRATOR WHO IS SELECTED REQUIRES FOR THIS PURPOSE. ANY FUNDS DEPOSITED WILL BE RETURNED TO YOU IF THESE FUNDS ARE IN EXCESS OF YOUR SHARE OF THE FEES INCURRED.

PLEASE SIGN THE AGREEMENT TO ARBITRATE BELOW AND CLEARLY INDICATE THE NAME OF THE ARBITRATOR WHO IS ACCEPTABLE TO YOU FROM THE NAMES LISTED BY THE AGGRIEVED PARTY.

YOU MUST RESPOND IN WRITING TO THIS STATUTORY NOTICE WITHIN 20 DAYS AFTER THE DATE THAT THE NOTICE OF PRESUIT ARBITRATION WAS PERSONALLY SERVED ON YOU OR THE POSTMARKED DATE THAT THIS NOTICE OF PRESUIT ARBITRATION WAS SENT TO YOU BY CERTIFIED MAIL. YOU MUST ALSO PROVIDE A

LIST OF AT LEAST THREE DATES AND TIMES IN WHICH YOU ARE AVAILABLE TO PARTICIPATE IN THE ARBITRATION THAT ARE WITHIN 90 DAYS AFTER THE DATE YOU WERE PERSONALLY SERVED OR WITHIN 90 DAYS AFTER THE POSTMARKED DATE OF THE CERTIFIED MAILING OF THIS STATUTORY NOTICE OF PRESUIT ARBITRATION. A COPY OF THIS NOTICE AND YOUR RESPONSE WILL BE PROVIDED BY THE AGGRIEVED PARTY TO THE ARBITRATOR SELECTED, AND THE ARBITRATOR WILL SCHEDULE A MUTUALLY CONVENIENT TIME AND PLACE FOR THE ARBITRATION CONFERENCE TO BE HELD. IF YOU DO NOT PROVIDE A LIST OF AVAILABLE DATES AND TIMES, THE ARBITRATOR IS AUTHORIZED TO SCHEDULE AN ARBITRATION CONFERENCE WITHOUT TAKING YOUR SCHEDULE AND CONVENIENCE INTO CONSIDERATION. THE ARBITRATION CONFERENCE MUST BE HELD ON THE SCHEDULED DATE, OR ANY RESCHEDULED DATE APPROVED BY THE ARBITRATOR. IN NO EVENT SHALL THE ARBITRATION CONFERENCE BE LATER THAN 90 DAYS AFTER NOTICE OF THE PRESUIT ARBITRATION WAS FIRST SERVED, UNLESS ALL PARTIES MUTUALLY AGREE IN WRITING OTHERWISE. IF THE ARBITRATION IS NOT COMPLETED WITHIN THE REQUIRED TIME LIMITS, THE ARBITRATOR SHALL ISSUE AN ARBITRATION AWARD, UNLESS THE HEARING IS EXTENDED BY MUTUAL WRITTEN AGREEMENT OF THE PARTIES AND APPROVED BY THE ARBITRATOR. IN THE EVENT THAT YOU FAIL TO RESPOND WITHIN 20 DAYS AFTER THE DATE YOU WERE SERVED WITH A COPY OF THIS NOTICE, FAIL TO PROVIDE THE ARBITRATOR WITH DATES AND TIMES IN WHICH YOU ARE AVAILABLE FOR THE ARBITRATION CONFERENCE, FAIL TO AGREE TO ONE OF THE ARBITRATORS THAT THE AGGRIEVED PARTY HAS NAMED, FAIL TO PAY OR PREPAY TO THE ARBITRATOR ONE-HALF OF THE COSTS INVOLVED AS REQUIRED, OR FAIL TO APPEAR AND PARTICIPATE AT THE SCHEDULED ARBITRATION CONFERENCE, THE AGGRIEVED PARTY MAY REQUEST THE ARBITRATOR TO ISSUE AN ARBITRATION AWARD. IN ANY SUBSEQUENT COURT ACTION, THE AGGRIEVED PARTY SHALL BE ENTITLED TO RECOVER AN AWARD OF REASONABLE ATTORNEY'S FEES AND COSTS, INCLUDING ANY FEES PAID TO THE ARBITRATOR, INCURRED IN OBTAINING AN ARBITRATION AWARD PURSUANT TO SECTION 720.507, FLORIDA STATUTES.

PLEASE GIVE THIS MATTER YOUR IMMEDIATE ATTENTION. BY LAW, YOUR RESPONSE MUST BE POSTMARKED AND MAILED BY CERTIFIED, FIRST-CLASS MAIL, RETURN RECEIPT REQUESTED, TO THE ADDRESS SHOWN ON THIS NOTICE OF PRESUIT ARBITRATION.

SIGNATURE OF AGGRIEVED PARTY

PRINTED NAME OF AGGRIEVED PARTY

RESPONDING PARTY: YOUR SIGNATURE BELOW INDICATES YOUR ACCEPTANCE OF THE AGREEMENT TO ARBITRATE.

AGREEMENT TO ARBITRATE

THE UNDERSIGNED HEREBY AGREES TO PARTICIPATE IN PRESUIT ARBITRATION AND AGREES TO ATTEND AN

ARBITRATION CONDUCTED BY THE FOLLOWING ARBITRATOR LISTED BELOW AS SOMEONE WHO WOULD BE ACCEPTABLE TO ARBITRATE THIS DISPUTE:

(IN YOUR RESPONSE, SELECT THE NAME OF ONE ARBITRATOR THAT IS ACCEPTABLE TO YOU FROM THOSE ARBITRATORS LISTED BY THE AGGRIEVED PARTY.)

THE UNDERSIGNED HEREBY REPRESENTS THAT HE OR SHE IS AVAILABLE AND ABLE TO ATTEND AND PARTICIPATE IN THE PRESUIT ARBITRATION CONFERENCE AT THE FOLLOWING DATES AND TIMES:

(LIST ALL AVAILABLE DATES AND TIMES, OF WHICH THERE MUST BE AT LEAST THREE, WITHIN 90 DAYS AFTER THE DATE ON WHICH YOU WERE SERVED, EITHER BY PROCESS SERVER OR BY CERTIFIED MAIL, WITH THE NOTICE OF PRESUIT ARBITRATION.)

I/WE FURTHER AGREE TO PAY OR PREPAY ONE-HALF OF THE ARBITRATOR'S FEES AND TO FORWARD SUCH ADVANCE DEPOSITS AS THE ARBITRATOR MAY REQUIRE FOR THIS PURPOSE.

SIGNATURE OF RESPONDING PARTY #1

TELEPHONE CONTACT INFORMATION

SIGNATURE AND TELEPHONE CONTACT INFORMATION OF RESPONDING PARTY #2, IF APPLICABLE. IF THE PROPERTY IS OWNED BY MORE THAN ONE PERSON, ALL OWNERS MUST SIGN, OR A PERSON MAY SIGN WHO IS ACTING UNDER AUTHORITY OF A VALID POWER OF ATTORNEY GRANTED BY AN OWNER.

(2)(a) Service of the notice of presuit arbitration shall be effected either by personal service, as provided in chapter 48, or by certified mail, return receipt requested, in a letter in substantial conformity with the form provided in subsection (1), with an additional copy being sent by regular first-class mail, to the address of the responding party as it last appears on the books and records of the association or, if not available, the last address as it appears on the official records of the county property appraiser for the county in which the property is situated that is subject to the association documents. The responding party has 20 days after the postmarked date of the certified mailing of the statutory notice of presuit arbitration or the date the responding party is personally served with the statutory notice of presuit arbitration to serve a written response to the aggrieved party. The response shall be served by certified mail, return receipt requested, with an additional copy being sent by regular first-class mail, to the address shown on the statutory notice of presuit arbitration. The postmarked date on the envelope of the response shall constitute the date the response was served.

(b) The parties shall share the costs of presuit arbitration equally, including the fee charged by the arbitrator, if any, unless the parties agree otherwise, and the arbitrator may require advance payment of his or her reasonable fees and costs. Each party shall be responsible for that party's own attorney's fees if a party chooses to be represented by an attorney for the arbitration proceedings.

(c)1. The party responding to the aggrieved party must sign the agreement to arbitrate included in the notice of presuit arbitration and clearly indicate the name of the arbitrator who is acceptable of those arbitrators listed by the aggrieved party. The responding party must provide a list of at least three dates and times in which the responding party is available to participate in the arbitration conference within 90 days after the date the responding party was served with the statutory notice of presuit arbitration.

2. The arbitrator must schedule the arbitration conference at a mutually convenient time and place, but if the responding party does not provide a list

of available dates and times, the arbitrator is authorized to schedule an arbitration conference without taking the responding party's schedule and convenience into consideration. Within 10 days after the designation of the arbitrator, the arbitrator shall notify the parties in writing of the date, time, and place of the arbitration conference.

3. The arbitration conference must be held on the scheduled date and may be rescheduled if approved by the arbitrator. However, in no event shall the arbitration hearing be later than 90 days after the notice of presuit arbitration was first served, unless all parties mutually agree in writing otherwise. If the arbitration hearing is not completed within the required time limits, the arbitrator may issue an arbitration award unless the time for the hearing is extended as provided herein.

4. If the responding party fails to respond within 20 days after the date of statutory notice of presuit arbitration, fails to agree to at least one of the arbitrators that have been listed by the aggrieved party in the presuit notice of arbitration, fails to pay or prepay to the arbitrator one-half of the costs involved, or fails to appear and participate at the scheduled arbitration, the aggrieved party is authorized to proceed with a request that the arbitrator issue an arbitration award.

(d)1. The failure of any party to respond to the statutory notice of presuit arbitration within 20 days, the failure to select one of the arbitrators listed by the aggrieved party, the failure to provide a listing of dates and times in which the responding party is available to participate in the arbitration conference within 90 days after the date of the responding party being served with the statutory notice of presuit arbitration, the failure to make payment of fees and costs as required within the time established by the arbitrator, or the failure to appear for an arbitration conference without the approval of the arbitrator shall entitle the other party to request the arbitrator to enter an arbitration award, including an award of the reasonable costs and attorney's fees associated with the arbitration.

2. Persons who fail or refuse to participate in the entire arbitration process may not recover attorney's fees and costs in any subsequent litigation proceeding relating to the same dispute involving the same parties.

(3)(a) In an arbitration proceeding, the arbitrator may not consider any unsuccessful mediation of the dispute.

(b) An arbitrator in a proceeding initiated pursuant to this part may shorten the time for discovery or otherwise limit discovery in a manner consistent with the policy goals of this part to reduce the time and expense of litigating homeowners' association disputes initiated pursuant to this chapter and to promote an expeditious alternative dispute resolution procedure for parties to such actions.

(4) At the request of any party to the arbitration, the arbitrator may issue subpoenas for the attendance of witnesses and the production of books, records, documents, and other evidence, and any party on whose behalf a subpoena is issued may apply to the court for orders compelling such attendance and production. Subpoenas shall be served and are enforceable in the manner provided by the Florida Rules of Civil Procedure. Discovery may, at the discretion of the arbitrator, be permitted in the manner provided by the Florida Rules of Civil Procedure.

(5) The final arbitration award shall be sent to the parties in writing no later than 30 days after the date of the arbitration hearing, absent extraordinary circumstances necessitating a later filing the reasons for which shall be stated in the final award if filed more than 30 days after the date of the final session of the arbitration conference. An agreed arbitration award is final in those disputes in which the parties have mutually agreed to be bound. An arbitration award decided by the arbitrator is final unless a lawsuit seeking a trial de novo is filed in a court of competent jurisdiction within 30 days after the date of the arbitration award. The right to file for a trial de novo entitles the parties to file a complaint in the appropriate trial court for a judicial resolution of the dispute. The prevailing party in an arbitration proceeding shall be awarded the costs of the arbitration and reasonable attorney's fees in an amount determined by the arbitrator.

(6) The party filing a motion for a trial de novo shall be assessed the other party's arbitration costs, court costs, and other reasonable costs, including attorney's fees, investigation expenses, and expenses for expert or other testimony or evidence incurred after the arbitration hearing, if the judgment upon the trial de novo is not more favorable than the final arbitration award.

720.508 Rules of procedure.—

(1) Presuit mediation and presuit arbitration proceedings under this part must be conducted in accordance with the applicable Florida Rules of Civil Procedure and rules governing mediations and arbitrations under chapter 44, except that this part shall be controlling to the extent of any conflict with other applicable rules or statutes. The arbitrator may shorten any applicable time period and otherwise limit the scope of discovery on request of the parties or within the discretion of the arbitrator exercised consistent with the purpose and objective of reducing the expense and expeditiously concluding proceedings under this part.

(2) Presuit mediation proceedings under s. 720.505 are privileged and confidential to the same extent as court-ordered mediation under chapter 44. An arbitrator or judge may not consider any information or evidence arising from the presuit mediation proceeding except in a proceeding to impose sanctions for failure to attend a presuit mediation session or to enforce a mediated settlement agreement.

(3) Persons who are not parties to the dispute may not attend the presuit mediation conference without consent of all parties, with the exception of counsel for the parties and a corporate representative designated by the association. Presuit mediations under this part are not a board meeting for purposes of notice and participation set forth in this chapter.

(4) Attendance at a mediation conference by the board of directors shall not require notice or participation by nonboard members as otherwise required by this chapter for meetings of the board.

(5) Settlement agreements resulting from a mediation or arbitration proceeding do not have precedential value in proceedings involving parties other than those participating in the mediation or arbitration.

(6) Arbitration awards by an arbitrator shall have precedential value in other proceedings involving the same association or with respect to the same parcel owner.

720.509 Mediators and arbitrators; qualifications.—A person is authorized to conduct mediation or arbitration under this part if he or she has been certified as a circuit court civil mediator under the requirements adopted pursuant to s. 44.106, is a member in good standing with The Florida Bar, and otherwise meets all other requirements imposed by chapter 44.

720.510 Enforcement of mediation agreement or arbitration award.—

(1) A mediation settlement may be enforced through the county or circuit court, as applicable, and any costs and attorney's fees incurred in the enforcement of a settlement agreement reached at mediation shall be awarded to the prevailing party in any enforcement action.

(2) Any party to an arbitration proceeding may enforce an arbitration award by filing a petition in a court of competent jurisdiction in which the homeowners' association is located. The prevailing party in such proceeding shall be awarded reasonable attorney's fees and costs incurred in such proceeding.

(3) If a complaint is filed seeking a trial de novo, the arbitration award shall be stayed and a petition to enforce the award may not be granted. Such award, however, shall be admissible in the court proceeding seeking a trial de novo.

Section 30. All new residential construction in any deed-restricted community that requires mandatory membership in the association under chapter 718, chapter 719, or chapter 720, Florida Statutes, must comply with the provisions of Pub. L. No. 110-140, Title XIV, ss. 1402 to 1406, 15 U.S.C. ss. 8001-8005.

TITLE AMENDMENT

Remove line 256 and insert:

certain conditions are met; creating part IV of ch. 720, F.S., relating to dispute resolution; creating s. 720.501, F.S.; providing a short title; creating s. 720.502, F.S.; providing legislative findings; creating s. 720.503, F.S.; specifying applicability of provisions for mediation and arbitration of disputes in homeowners' associations; providing exceptions; providing for injunctive relief; providing for the tolling of applicable statutes of limitations; creating s. 720.504, F.S.; requiring that the notice of dispute be delivered before referral to mediation or arbitration;

providing notice requirements; creating s. 720.505, F.S.; creating a statutory notice form for referral to mediation; providing delivery requirements; requiring parties to share costs; requiring the selection of a mediator and times to meet; providing penalties for failure to mediate; creating s. 720.506, F.S.; creating an opt-out provision and procedures; creating s. 720.507, F.S.; creating a statutory notice form for referral to arbitration; providing delivery requirements; requiring parties to share costs; requiring the selection of an arbitrator and times to meet; providing penalties for failure to arbitrate; providing subpoena powers and requirements; providing requirements for and repercussions of subsequent judicial resolution of the dispute; creating s. 720.508, F.S.; providing for rules of procedure; providing for confidentiality; providing applicability to other rules of procedure and provisions of law; specifying that arbitration awards have certain precedential value; creating s. 720.509, F.S.; specifying qualifications for mediators and arbitrators; creating s. 720.510, F.S.; providing for enforcement of mediation agreements and arbitration awards; requiring all new residential construction in a deed-restricted community that requires mandatory membership in the association under specified provisions of Florida law to comply with specified provisions of federal law; providing an effective

Rep. Ambler moved the adoption of the amendment. Subsequently, **Amendment 10** was withdrawn.

On motion by Rep. Rogers, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Rogers offered the following:

(Amendment Bar Code: 422413)

Amendment 11 (with directory and title amendments)—Between lines 872 and 873, insert:

(a) Administration.—

1. The form of administration of the association shall be described indicating the title of the officers and board of administration and specifying the powers, duties, manner of selection and removal, and compensation, if any, of officers and boards. In the absence of such a provision, the board of administration shall be composed of five members, except in the case of a condominium which has five or fewer units, in which case in a not-for-profit corporation the board shall consist of not fewer than three members. In the absence of provisions to the contrary in the bylaws, the board of administration shall have a president, a secretary, and a treasurer, who shall perform the duties of such officers customarily performed by officers of corporations. Unless required by the governing documents of the association to meet more frequently, the board of administration shall meet quarterly. A majority of the members of the board must be owners of condominium units that qualify as homestead property. Unless prohibited in the bylaws, the board of administration may appoint other officers and grant them the duties it deems appropriate. Unless otherwise provided in the bylaws, the officers shall serve without compensation and at the pleasure of the board of administration. Unless otherwise provided in the bylaws, the members of the board shall serve without compensation.

2. When a unit owner files a written inquiry by certified mail with the board of administration, the board shall respond in writing to the unit owner within 30 days of receipt of the inquiry. The board's response shall either give a substantive response to the inquirer, notify the inquirer that a legal opinion has been requested, or notify the inquirer that advice has been requested from the division. If the board requests advice from the division, the board shall, within 10 days of its receipt of the advice, provide in writing a substantive response to the inquirer. If a legal opinion is requested, the board shall, within 60 days after the receipt of the inquiry, provide in writing a substantive response to the inquiry. The failure to provide a substantive response to the inquiry as provided herein precludes the board from recovering attorney's fees and costs in any subsequent litigation, administrative proceeding, or arbitration arising out of the inquiry. The association may through its board of administration adopt reasonable rules and regulations regarding the frequency and manner

of responding to unit owner inquiries, one of which may be that the association is only obligated to respond to one written inquiry per unit in any given 30-day period. In such a case, any additional inquiry or inquiries must be responded to in the subsequent 30-day period, or periods, as applicable.

DIRECTORY AMENDMENT

Remove line 867 and insert:

Section 10. Paragraphs (a), (d), (l), (n), and (o) of subsection

TITLE AMENDMENT

Remove line 71 and insert:

718.112, F.S.; providing requirements for board of administration meetings and membership; revising provisions relating to the

Rep. Rogers moved the adoption of the amendment. Subsequently, **Amendment 11** was withdrawn.

The question recurred on the passage of CS for CS for CS for SB 1196. The vote was:

Session Vote Sequence: 1026

Speaker Cretul in the Chair.

Yeas—107

Abruzzo	Eisnaugle	Legg	Rouson
Adams	Evers	Llorente	Sachs
Adkins	Fitzgerald	Long	Sands
Ambler	Flores	Lopez-Cantera	Saunders
Anderson	Ford	Mayfield	Schenck
Aubuchon	Fresen	McBurney	Schultz
Bembry	Frishe	McKeel	Schwartz
Bernard	Gaetz	Nehr	Skidmore
Bogdanoff	Gibbons	Nelson	Snyder
Bovo	Gibson	O'Toole	Soto
Boyd	Glorioso	Pafford	Stargel
Brandenburg	Gonzalez	Patterson	Steinberg
Braynon	Grady	Plakon	Thompson, G.
Brisé	Hasner	Planas	Thompson, N.
Bullard	Hays	Poppell	Thurston
Burgin	Heller	Porth	Tobia
Carroll	Holder	Precourt	Troutman
Chestnut	Homan	Proctor	Van Zant
Clarke-Reed	Hooper	Rader	Waldman
Coley	Horner	Ray	Weatherford
Cretul	Hukill	Reagan	Weinstein
Crisafulli	Jenne	Reed	Williams, A.
Cruz	Jones	Renuart	Williams, T.
Culp	Kelly	Robaina	Wood
Domino	Kiar	Roberson, K.	Workman
Dorworth	Kreegel	Roberson, Y.	Zapata
Drake	Kriseman	Rogers	

Nays—4

Bush	Fetterman	Garcia	Taylor
------	-----------	--------	--------

Votes after roll call:

Yeas—Galvano, Grimsley, Hudson, Murzin, Rehwinkel Vasilinda

So the bill passed and was immediately certified to the Senate.

CS for SB 1178—A bill to be entitled An act relating to cost-benefit, return-on-investment, and dynamic scoring techniques; creating s. 216.138, F.S.; authorizing the President of the Senate or the Speaker of the House of Representatives to request special impact sessions of consensus estimating conferences to evaluate proposed legislation based on specified techniques; providing for the information used in the evaluations to be available to the public unless otherwise exempt from disclosure; requiring the Office of

Economic and Demographic Research to develop protocols and procedures to be used by the consensus estimating conferences when evaluating proposed legislation; establishing minimum requirements; requiring submission of a report; requiring the use of the protocols and procedures until the approval is affirmatively revoked; amending s. 216.133, F.S.; conforming a cross-reference to changes made by the act; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1027

Speaker Cretul in the Chair.

Yeas—110

Abruzzo	Eisnaugle	Llorente	Sachs
Adams	Evers	Long	Sands
Adkins	Fetterman	Lopez-Cantera	Saunders
Ambler	Fitzgerald	Mayfield	Schenck
Anderson	Ford	McBurney	Schultz
Aubuchon	Fresen	McKeel	Schwartz
Bembry	Frishe	Murzin	Skidmore
Bernard	Gaetz	Nehr	Snyder
Bogdanoff	Garcia	Nelson	Soto
Bovo	Gibbons	O'Toole	Stargel
Boyd	Gibson	Pafford	Steinberg
Brandenburg	Glorioso	Patterson	Taylor
Braynon	Gonzalez	Plakon	Thompson, G.
Brisé	Grady	Planas	Thompson, N.
Bullard	Hays	Poppell	Thurston
Burgin	Heller	Porth	Tobia
Bush	Holder	Precourt	Troutman
Carroll	Homan	Proctor	Van Zant
Chestnut	Hooper	Rader	Waldman
Clarke-Reed	Horner	Ray	Weatherford
Coley	Hukill	Reagan	Weinstein
Cretul	Jenne	Reed	Williams, A.
Crisafulli	Jones	Rehwinkel Vasilinda	Williams, T.
Cruz	Kelly	Robaina	Wood
Culp	Kiar	Roberson, K.	Workman
Domino	Kreegel	Roberson, Y.	Zapata
Dorworth	Kriseman	Rogers	
Drake	Legg	Rouson	

Nays—None

Votes after roll call:

Yeas—Galvano, Grimsley, Hasner, Hudson, Renuart

So the bill passed and was immediately certified to the Senate.

CS for SB 1612—A bill to be entitled An act relating to the Office of Supplier Diversity of the Department of Management Services; amending s. 287.09451, F.S.; deleting the requirement for affidavits in certifications of minority business enterprises; providing that certifications may be signed electronically; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1028

Speaker Cretul in the Chair.

Yeas—113

Abruzzo	Bovo	Carroll	Dorworth
Adams	Boyd	Chestnut	Drake
Adkins	Brandenburg	Clarke-Reed	Eisnaugle
Ambler	Braynon	Coley	Evers
Anderson	Brisé	Cretul	Fetterman
Aubuchon	Bullard	Crisafulli	Fitzgerald
Bembry	Burgin	Cruz	Flores
Bernard	Bush	Culp	Ford
Bogdanoff	Cannon	Domino	Fresen

Frishe	Kiar	Proctor	Soto
Gaetz	Kreegel	Rader	Stargel
Galvano	Legg	Ray	Steinberg
Garcia	Llorente	Reagan	Taylor
Gibbons	Long	Reed	Thompson, G.
Gibson	Lopez-Cantera	Rehwinkel Vasilinda	Thompson, N.
Glorioso	Mayfield	Renuart	Thurston
Gonzalez	McBurney	Robaina	Tobia
Grady	McKeel	Roberson, K.	Troutman
Hasner	Murzin	Roberson, Y.	Waldman
Hays	Nehr	Rogers	Weatherford
Heller	Nelson	Rouson	Weinstein
Holder	O'Toole	Sachs	Williams, A.
Homan	Pafford	Sands	Williams, T.
Hooper	Patterson	Saunders	Wood
Horner	Plakon	Schenck	Workman
Hukill	Planas	Schultz	Zapata
Jenne	Poppell	Schwartz	
Jones	Porth	Skidmore	
Kelly	Precourt	Snyder	

Nays—1

Van Zant

Votes after roll call:

Yeas—Grimsley, Hudson

So the bill passed and was immediately certified to the Senate.

CS for CS for SB 644—A bill to be entitled An act relating to the direct-support organization for the Department of Military Affairs; amending s. 250.115, F.S.; authorizing the direct-support organization to support the processing of requests from the Soldiers and Airmen Assistance Program or similar programs; authorizing the president of the direct-support organization to appoint all members of the board of directors; requiring the direct-support organization to operate pursuant to a contract with the Department of Military Affairs; requiring the direct-support organization to submit its annual budget and financial reports to the Department of Military Affairs; creating s. 250.116, F.S.; creating the Soldiers and Airmen Assistance Program; authorizing the program to provide specified types of assistance to certain members of the Florida National Guard and their families; providing for the review of requests for assistance; requiring the financial committee of the board of directors of the direct-support organization for the Department of Military Affairs to review the financial transactions of the program quarterly; authorizing the financial committee of the board of directors to request additional reviews by the Office of Inspector General; authorizing the Department of Military Affairs to adopt rules to administer the Soldiers and Airmen Assistance Program; providing an effective date.

—was read the third time by title.

Representative Rehwinkel Vasilinda offered the following:

(Amendment Bar Code: 825777)

Amendment 1 (with title amendment)—Between lines 210 and 211, insert:

Section 3. Subsection (1) of section 206.41, Florida Statutes, is amended to read:

206.41 State taxes imposed on motor fuel.—

(1) The following taxes are imposed on motor fuel under the circumstances described in subsection (6):

(a) An excise or license tax of 2 cents per net gallon, which is the tax as levied by s. 16, Art. IX of the State Constitution of 1885, as amended, and continued by s. 9(c), Art. XII of the 1968 State Constitution, as amended, which is therein referred to as the "second gas tax," and which is hereby designated the "constitutional fuel tax."

(b) An additional tax of 1 cent per net gallon, which is designated as the "county fuel tax" and which shall be used for the purposes described in s. 206.60.

(c) An additional tax of 1 cent per net gallon, which is designated as the "municipal fuel tax" and which shall be used for the purposes described in s. 206.605.

(d) An additional tax of 1 cent per net gallon may be imposed by each county on motor fuel, which shall be designated as the "ninth-cent fuel tax." This tax shall be levied and used as provided in s. 336.021.

(e) An additional tax of between 1 cent and 11 cents per net gallon may be imposed on motor fuel by each county, which shall be designated as the "local option fuel tax." This tax shall be levied and used as provided in s. 336.025.

(f)1. An additional tax designated as the State Comprehensive Enhanced Transportation System Tax is imposed on each net gallon of motor fuel in each county. This tax shall be levied and used as provided in s. 206.608.

2. The rate of the tax in each county shall be equal to two-thirds of the lesser of the sum of the taxes imposed on motor fuel pursuant to paragraphs (d) and (e) in such county or 6 cents, rounded to the nearest tenth of a cent.

3. Beginning January 1, 1992, and on January 1 of each year thereafter, the tax rate provided in subparagraph 2. shall be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1990, and rounded to the nearest tenth of a cent.

4. The department shall notify each terminal supplier, position holder, wholesaler, and importer of the tax rate applicable under this paragraph for the 12-month period beginning January 1.

(g)1. An additional tax is imposed on each net gallon of motor fuel, which tax is on the privilege of selling motor fuel and which is designated the "fuel sales tax," at a rate determined pursuant to this paragraph. Before January 1 of 1997, and of each year thereafter, the department shall determine the tax rate applicable to the sale of fuel for the forthcoming 12-month period beginning January 1, rounded to the nearest tenth of a cent, by adjusting the initially established tax rate of 6.9 cents per gallon by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1989. However, the tax rate shall not be lower than 6.9 cents per gallon.

2. The department is authorized to adopt rules and adopt such forms as may be necessary for the administration of this paragraph.

3. The department shall notify each terminal supplier, position holder, wholesaler, and importer of the tax rate applicable under this paragraph for the 12-month period beginning January 1.

(h)1. An additional tax of 5 cents is imposed on each net gallon of motor fuel except diesel fuel.

2. Proceeds from the additional tax imposed under this paragraph shall be used solely for:

a. Public transportation purposes, to include trolleys, light rail, and clean, renewable, and energy-efficient buses, with priority given to school district buses.

b. Nonnuclear renewable energy development, with a priority given to the Solar Energy Systems Incentives Program under s. 377.806.

c. Veteran's programs for the care and rehabilitation of, and educational opportunities for, veterans who are residents of this state and their dependents.

TITLE AMENDMENT

Remove line 28 and insert:

Assistance Program; amending s. 206.41, F.S.; imposing an additional tax on retail sales of motor fuel other than diesel fuel; specifying uses of proceeds; providing an effective date.

Rep. Rehwinkel Vasilinda moved the adoption of the amendment. Subsequently, **Amendment 1** was withdrawn.

The question recurred on the passage of CS for CS for SB 644. The vote was:

Session Vote Sequence: 1029

Speaker Cretul in the Chair.

Yeas—112

Abruzzo	Drake	Kiar	Roberson, K.
Adams	Eisnaugle	Kreegel	Rogers
Adkins	Evers	Legg	Rouson
Ambler	Fitzgerald	Llorente	Sachs
Anderson	Flores	Long	Sands
Aubuchon	Ford	Lopez-Cantera	Saunders
Bembry	Fresen	Mayfield	Schenck
Bernard	Frishe	McBurney	Schultz
Bogdanoff	Gaetz	McKeel	Schwartz
Bovo	Galvano	Murzin	Skidmore
Boyd	Garcia	Nehr	Snyder
Brandenburg	Gibbons	Nelson	Soto
Braynon	Gibson	O'Toole	Stargel
Brisé	Glorioso	Pafford	Steinberg
Bullard	Gonzalez	Patterson	Taylor
Burgin	Grady	Plakon	Thompson, G.
Bush	Hasner	Planas	Thompson, N.
Cannon	Hays	Poppell	Tobia
Carroll	Heller	Porth	Troutman
Chestnut	Holder	Precourt	Van Zant
Clarke-Reed	Homan	Proctor	Waldman
Coley	Hooper	Rader	Weatherford
Cretul	Horner	Ray	Weinstein
Crisafulli	Hudson	Reagan	Williams, A.
Cruz	Hukill	Reed	Williams, T.
Culp	Jenne	Rehwinkel Vasilinda	Wood
Domino	Jones	Renuart	Workman
Dorworth	Kelly	Robaina	Zapata

Nays—None

Votes after roll call:

Yeas—Fetterman, Grimsley, Thurston

So the bill passed and was immediately certified to the Senate.

Presentation

The Speaker asked the members to be seated for a presentation. A video presentation was made featuring photographs of the legislative term reflecting the 84th House.

Recognition of the Speaker

Speaker pro tempore Reagan invited Speaker Cretul and wife, Lana Cretul, to join him at the well for the presentation and ceremonial unveiling of the Speaker's gift. The members, led by Speaker pro tempore Reagan, presented the Speaker with gifts of appreciation consisting of accoutrements related to the Speaker and Mrs. Cretul's motorcycle hobby. The Speaker made brief remarks of appreciation.

CS for CS for SB 1004—A bill to be entitled An act relating to local government; amending s. 125.35, F.S.; authorizing a board of county commissioners to negotiate the lease of certain real property for a limited period; amending s. 337.29, F.S.; authorizing transfers of right-of-way between local governments by deed; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1030

Speaker Cretul in the Chair.

Yeas—113

Abruzzo	Adkins	Anderson	Bembry
Adams	Ambler	Aubuchon	Bernard

Bogdanoff	Galvano	McBurney	Saunders
Bovo	Garcia	McKeel	Schenck
Boyd	Gibbons	Murzin	Schultz
Brandenburg	Gibson	Nehr	Schwartz
Braynon	Glorioso	Nelson	Skidmore
Brisé	Gonzalez	O'Toole	Snyder
Bullard	Grady	Pafford	Soto
Burgin	Grimsley	Patterson	Stargel
Bush	Hasner	Planas	Steinberg
Cannon	Hays	Poppell	Taylor
Carroll	Holder	Porth	Thompson, G.
Chestnut	Homan	Precourt	Thompson, N.
Clarke-Reed	Hooper	Proctor	Thurston
Coley	Horner	Rader	Tobia
Cretul	Hudson	Randolph	Troutman
Crisafulli	Hukill	Ray	Van Zant
Cruz	Jenne	Reagan	Waldman
Culp	Jones	Reed	Weatherford
Domino	Kelly	Rehwinkel Vasilinda	Weinstein
Dorworth	Kiar	Renuart	Williams, A.
	Kreegel	Rivera	Williams, T.
	Kriseman	Roberson, K.	Wood
	Legg	Roberson, Y.	Workman
	Llorente	Rogers	Zapata
	Long	Rouson	
	Lopez-Cantera	Sachs	
	Mayfield	Sands	

Nays—None

Votes after roll call:

Yeas—Fetterman, Gaetz, Robaina

So the bill passed and was immediately certified to the Senate.

CS for SB 312—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; creating a public-records exemption for specified personal information of current and former public defenders and criminal conflict and civil regional counsel, as well as their spouses and children; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1031

Speaker Cretul in the Chair.

Yeas—116

Abruzzo	Dorworth	Jones	Reagan
Adams	Drake	Kelly	Reed
Adkins	Eisnaugle	Kiar	Rehwinkel Vasilinda
Ambler	Evers	Kreegel	Renuart
Anderson	Fitzgerald	Kriseman	Rivera
Aubuchon	Flores	Legg	Roberson, K.
Bembry	Ford	Llorente	Roberson, Y.
Bernard	Fresen	Long	Rogers
Bogdanoff	Frishe	Lopez-Cantera	Rouson
Bovo	Gaetz	Mayfield	Sachs
Boyd	Galvano	McBurney	Sands
Brandenburg	Garcia	McKeel	Saunders
Braynon	Gibbons	Murzin	Schenck
Brisé	Gibson	Nehr	Schultz
Bullard	Glorioso	Nelson	Schwartz
Burgin	Gonzalez	O'Toole	Skidmore
Bush	Grady	Pafford	Snyder
Cannon	Grimsley	Patterson	Soto
Carroll	Hasner	Plakon	Stargel
Chestnut	Hays	Planas	Steinberg
Clarke-Reed	Holder	Poppell	Taylor
Coley	Homan	Porth	Thompson, G.
Cretul	Hooper	Precourt	Thompson, N.
Crisafulli	Horner	Proctor	Thurston
Cruz	Hudson	Rader	Tobia
Culp	Hukill	Randolph	Troutman
Domino	Jenne	Ray	Van Zant

Waldman Weinstein Williams, T. Workman
Weatherford Williams, A. Wood Zapata

Nays—None

Votes after roll call:

Yeas—Fetterman, Robaina

So the bill passed by the required constitutional two-thirds vote of the members voting and was immediately certified to the Senate.

CS for CS for SB 366—A bill to be entitled An act relating to retail sales of smoking pipes and smoking devices; creating s. 569.0073, F.S.; prohibiting retail sales of certain smoking pipes and smoking devices under certain circumstances; specifying criteria for the lawful sales of such items; providing a criminal penalty for unlawful sales of such items; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1032

Speaker Cretul in the Chair.

Yeas—115

Abruzzo	Evers	Kriseman	Rogers
Adams	Fetterman	Legg	Rouson
Adkins	Fitzgerald	Llorente	Sachs
Ambler	Flores	Long	Sands
Anderson	Ford	Lopez-Cantera	Saunders
Aubuchon	Fresen	Mayfield	Schenck
Bembry	Frishe	McBurney	Schultz
Bernard	Gaetz	Murzin	Schwartz
Bogdanoff	Galvano	Nehr	Skidmore
Bovo	Garcia	Nelson	Snyder
Boyd	Gibbons	O'Toole	Soto
Brandenburg	Gibson	Pafford	Stargel
Braynon	Glorioso	Patterson	Steinberg
Brisé	Gonzalez	Plakon	Taylor
Bullard	Grady	Planas	Thompson, G.
Bush	Hasner	Poppell	Thompson, N.
Cannon	Hays	Porth	Thurston
Carroll	Heller	Precourt	Tobia
Chestnut	Holder	Proctor	Troutman
Clarke-Reed	Homan	Rader	Van Zant
Coley	Hooper	Randolph	Waldman
Cretul	Horner	Ray	Weatherford
Crisafulli	Hudson	Reagan	Weinstein
Cruz	Hukill	Reed	Williams, A.
Culp	Jenne	Rehwinkel Vasilinda	Williams, T.
Domino	Jones	Renuart	Wood
Dorworth	Kelly	Robaina	Workman
Drake	Kiar	Roberson, K.	Zapata
Eisnaugle	Kreegel	Roberson, Y.	

Nays—None

Votes after roll call:

Yeas—Grimsley, McKeel

So the bill passed and was immediately certified to the Senate.

THE SPEAKER PRO TEMPORE IN THE CHAIR

CS for SB 370—A bill to be entitled An act relating to community corrections assistance to counties or county consortiums; amending s. 948.51, F.S.; adding rehabilitative community reentry programs to the list of programs, services, and facilities that may be funded using community corrections funds; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1033

Representative Reagan in the Chair.

Yeas—115

Abruzzo	Evers	Kreegel	Roberson, Y.
Adkins	Fetterman	Kriseman	Rogers
Ambler	Fitzgerald	Legg	Rouson
Anderson	Flores	Llorente	Sachs
Aubuchon	Ford	Long	Sands
Bembry	Fresen	Lopez-Cantera	Saunders
Bernard	Frishe	Mayfield	Schenck
Bogdanoff	Gaetz	McBurney	Schultz
Bovo	Galvano	McKeel	Schwartz
Boyd	Garcia	Murzin	Skidmore
Brandenburg	Gibbons	Nehr	Snyder
Braynon	Gibson	Nelson	Soto
Brisé	Glorioso	O'Toole	Stargel
Bullard	Gonzalez	Pafford	Steinberg
Burgin	Grady	Patterson	Taylor
Bush	Grimsley	Planas	Thompson, G.
Cannon	Hasner	Poppell	Thompson, N.
Carroll	Hays	Porth	Thurston
Chestnut	Heller	Precourt	Tobia
Clarke-Reed	Holder	Proctor	Troutman
Coley	Homan	Rader	Waldman
Cretul	Hooper	Randolph	Weatherford
Crisafulli	Horner	Ray	Weinstein
Cruz	Hudson	Reagan	Williams, A.
Culp	Hukill	Reed	Williams, T.
Domino	Jenne	Rehwinkel Vasilinda	Wood
Dorworth	Jones	Renuart	Workman
Drake	Kelly	Robaina	Zapata
Eisnaugle	Kiar	Roberson, K.	

Nays—2

Adams Van Zant

So the bill passed and was immediately certified to the Senate.

CS for SB 492—A bill to be entitled An act relating to garnishment; amending s. 222.11, F.S.; increasing the amount of wages of a head of family which is exempt from garnishment; providing a form that must be used for an agreement to waive the exemption from garnishment; amending s. 77.041, F.S.; increasing the amount of wages of a head of family which is exempt from garnishment; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1034

Representative Reagan in the Chair.

Yeas—118

Abruzzo	Chestnut	Galvano	Kelly
Adams	Clarke-Reed	Garcia	Kiar
Adkins	Coley	Gibbons	Kreegel
Ambler	Cretul	Gibson	Kriseman
Anderson	Crisafulli	Glorioso	Legg
Aubuchon	Cruz	Gonzalez	Llorente
Bembry	Culp	Grady	Long
Bernard	Domino	Grimsley	Lopez-Cantera
Bogdanoff	Dorworth	Hasner	Mayfield
Bovo	Drake	Hays	McBurney
Boyd	Eisnaugle	Heller	McKeel
Brandenburg	Evers	Holder	Murzin
Braynon	Fetterman	Homan	Nehr
Brisé	Fitzgerald	Hooper	Nelson
Bullard	Flores	Horner	O'Toole
Burgin	Ford	Hudson	Pafford
Bush	Fresen	Hukill	Patterson
Cannon	Frishe	Jenne	Plakon
Carroll	Gaetz	Jones	Planas

Poppell	Rivera	Schwartz	Troutman
Porth	Robaina	Skidmore	Waldman
Precourt	Roberson, K.	Snyder	Weatherford
Proctor	Roberson, Y.	Soto	Weinstein
Rader	Rogers	Stargel	Williams, A.
Randolph	Rouson	Steinberg	Williams, T.
Ray	Sachs	Taylor	Wood
Reagan	Sands	Thompson, G.	Workman
Reed	Saunders	Thompson, N.	Zapata
Rehwinkel Vasilinda	Schenck	Thurston	
Renuart	Schultz	Tobia	

Session Vote Sequence: 1036

Representative Reagan in the Chair.

Yeas—119

Abruzzo	Evers	Kriseman	Roberson, Y.
Adams	Fetterman	Legg	Rogers
Adkins	Fitzgerald	Llorente	Rouson
Ambler	Flores	Long	Sachs
Anderson	Ford	Lopez-Cantera	Sands
Aubuchon	Fresen	Mayfield	Saunders
Bembry	Frishe	McBurney	Schenck
Bernard	Gaetz	McKeel	Schultz
Bogdanoff	Galvano	Murzin	Schwartz
Bovo	Garcia	Nehr	Skidmore
Boyd	Gibbons	Nelson	Snyder
Brandenburg	Gibson	O'Toole	Soto
Braynon	Glorioso	Pafford	Stargel
Brisé	Gonzalez	Patterson	Steinberg
Bullard	Grady	Plakon	Taylor
Burgin	Grimsley	Planas	Thompson, G.
Bush	Hasner	Poppell	Thompson, N.
Cannon	Hays	Porth	Thurston
Carroll	Heller	Precourt	Tobia
Chestnut	Holder	Proctor	Troutman
Clarke-Reed	Homan	Rader	Van Zant
Coley	Hooper	Randolph	Waldman
Cretul	Horner	Ray	Weatherford
Crisafulli	Hudson	Reagan	Weinstein
Cruz	Hukill	Reed	Williams, A.
Culp	Jenne	Rehwinkel Vasilinda	Williams, T.
Domino	Jones	Renuart	Wood
Dorworth	Kelly	Rivera	Workman
Drake	Kiar	Robaina	Zapata
Eisnaugle	Kreegel	Roberson, K.	

Nays—None

So the bill passed and was immediately certified to the Senate.

CS for CS for SB 926—A bill to be entitled An act relating to trusts; creating s. 736.0902, F.S.; limiting the duties and liability of certain trustees with respect to contracts for life insurance; defining the term "qualified person"; providing for the application and nonapplication of certain provisions of state law; requiring that notice of such provisions be given under certain circumstances; providing requirements for such notice; providing that such provisions do not apply if a party notified of the application of certain provisions of state law objects in writing; creating a rebuttable presumption of delivery of notice; defining the term "affiliate" for specified purposes; providing that certain provisions of state law do not apply under specified circumstances; prohibiting the compensation of a trustee for the performance of certain activities; amending s. 518.112, F.S.; expanding the list of delegable investment functions for certain fiduciaries; revising requirements for the provision of written notice by a trustee of an intent to begin delegating investment functions; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1037

Representative Reagan in the Chair.

Yeas—119

Abruzzo	Bovo	Carroll	Dorworth
Adams	Boyd	Chestnut	Drake
Adkins	Brandenburg	Clarke-Reed	Eisnaugle
Ambler	Braynon	Coley	Evers
Anderson	Brisé	Cretul	Fetterman
Aubuchon	Bullard	Crisafulli	Fitzgerald
Bembry	Burgin	Cruz	Flores
Bernard	Bush	Culp	Ford
Bogdanoff	Cannon	Domino	Fresen

Nays—1

Van Zant

So the bill passed and was immediately certified to the Senate.

SB 502—A bill to be entitled An act relating to special investigators; amending s. 27.251, F.S.; deleting a requirement that investigators be employed on a full-time basis; specifying matters that may be investigated by special investigators; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1035

Representative Reagan in the Chair.

Yeas—119

Abruzzo	Evers	Kriseman	Roberson, Y.
Adams	Fetterman	Legg	Rogers
Adkins	Fitzgerald	Llorente	Rouson
Ambler	Flores	Long	Sachs
Anderson	Ford	Lopez-Cantera	Sands
Aubuchon	Fresen	Mayfield	Saunders
Bembry	Frishe	McBurney	Schenck
Bernard	Gaetz	McKeel	Schultz
Bogdanoff	Galvano	Murzin	Schwartz
Boyo	Garcia	Nehr	Skidmore
Boyd	Gibbons	Nelson	Snyder
Brandenburg	Gibson	O'Toole	Soto
Braynon	Glorioso	Pafford	Stargel
Brisé	Gonzalez	Patterson	Steinberg
Bullard	Grady	Plakon	Taylor
Burgin	Grimsley	Planas	Thompson, G.
Bush	Hasner	Poppell	Thompson, N.
Cannon	Hays	Porth	Thurston
Carroll	Heller	Precourt	Tobia
Chestnut	Holder	Proctor	Troutman
Clarke-Reed	Homan	Rader	Van Zant
Coley	Hooper	Randolph	Waldman
Cretul	Horner	Ray	Weatherford
Crisafulli	Hudson	Reagan	Weinstein
Cruz	Hukill	Reed	Williams, A.
Culp	Jenne	Rehwinkel Vasilinda	Williams, T.
Domino	Jones	Renuart	Wood
Dorworth	Kelly	Rivera	Workman
Drake	Kiar	Robaina	Zapata
Eisnaugle	Kreegel	Roberson, K.	

Nays—None

So the bill passed and was immediately certified to the Senate.

CS for SB 704—A bill to be entitled An act relating to capital felonies; amending s. 921.141, F.S.; providing that it is an aggravating circumstance for the purpose of determining sentence if a capital felony was committed by a person subject to an injunction or protection order against the petitioner who obtained that injunction or order or any of certain related persons; providing an effective date.

—was read the third time by title. On passage, the vote was:

Frishe	Kelly	Precourt	Skidmore
Gaetz	Kiar	Proctor	Snyder
Galvano	Kreegel	Rader	Soto
Garcia	Kriseman	Randolph	Stargel
Gibbons	Legg	Ray	Steinberg
Gibson	Llorente	Reagan	Taylor
Glorioso	Long	Reed	Thompson, G.
Gonzalez	Lopez-Cantera	Rehwinkel Vasilinda	Thompson, N.
Grady	Mayfield	Renuart	Thurston
Grimsley	McBurney	Rivera	Tobia
Hasner	McKeel	Robaina	Troutman
Hays	Murzin	Roberson, K.	Van Zant
Heller	Nehr	Roberson, Y.	Waldman
Holder	Nelson	Rogers	Weatherford
Homan	O'Toole	Rouson	Weinstein
Hooper	Pafford	Sachs	Williams, A.
Horner	Patterson	Sands	Williams, T.
Hudson	Plakon	Saunders	Wood
Hukill	Planas	Schenck	Workman
Jenne	Poppell	Schultz	Zapata
Jones	Porth	Schwartz	

Nays—None

So the bill passed and was immediately certified to the Senate.

CS for CS for SB 998—A bill to be entitled An act relating to trust administration; amending s. 733.607, F.S.; limiting a personal representative's entitlement to payment from a trust of certain estate expenses and obligations; specifying application of certain criteria in making certain payments from a trust; amending s. 733.707, F.S.; specifying application of additional provisions to liability for certain estate expense and obligation payments from a trust; amending s. 736.0206, F.S.; deleting certain notice requirements relating to court review of a trustee's employment of certain persons; authorizing the award of expert witness fees from trust assets rather than requiring the award of such fees; providing a limitation; creating s. 736.04114, F.S.; providing for interpretation of trusts not subject to the federal estate tax; providing conditions; providing definitions; providing criteria for a court interpreting a trust; providing an exception; allowing a trustee to take certain actions pending a determination of trust distribution; limiting trustee liability; providing for interpretation; providing for retroactive effect; amending s. 736.0505, F.S.; revising a value criterion for determining the extent of treating the holder of a power of withdrawal as the settlor of a trust; providing criteria for determining who contributed certain trust assets under certain circumstances; amending s. 736.05053, F.S.; requiring application of priorities for pro rata abatement of nonresiduary trust dispositions together with nonresiduary devises; amending s. 736.1007, F.S.; deleting authority for a court to determine an attorney's compensation; deleting certain expert testimony and fee payment provisions; deleting requirements for certain court compensation determination proceedings to be part of a trust administration process and for court determination and payment of certain estate costs and fees from trust assets; creating s. 736.1211, F.S.; prohibiting state agencies and local governments from requiring the disclosure of certain characteristics of persons associated with certain charitable organizations, trusts, and foundations; prohibiting state agencies and local governments from requiring certain private foundations or trusts to disclose certain characteristics of persons associated with an entity receiving monetary or in-kind contributions from the foundation or trust; prohibiting state agencies and local governments from requiring that individuals having certain characteristics be included on the governing board or as officers of certain charitable organizations, trusts, or foundations; prohibiting state agencies and local governments from prohibiting a person from serving on the board or as an officer based on the person's familial relationship to other board members, officers, or a donor; prohibiting state agencies and local governments from requiring that certain charitable organizations, trusts, or foundations distribute funds to or contract with persons or entities having certain characteristics; specifying the effect of the act on contracts in existence before the effective date of the act; providing effective dates.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1038

Representative Reagan in the Chair.

Yeas—119

Abruzzo	Evers	Kriseman	Roberson, Y.
Adams	Fetterman	Legg	Rogers
Adkins	Fitzgerald	Llorente	Rouson
Ambler	Flores	Long	Sachs
Anderson	Ford	Lopez-Cantera	Sands
Aubuchon	Fresen	Mayfield	Saunders
Bembry	Frishe	McBurney	Schenck
Bernard	Gaetz	McKeel	Schultz
Bogdanoff	Galvano	Murzin	Schwartz
Bovo	Garcia	Nehr	Skidmore
Boyd	Gibbons	Nelson	Snyder
Brandenburg	Gibson	O'Toole	Soto
Braynon	Glorioso	Pafford	Stargel
Brisé	Gonzalez	Patterson	Steinberg
Bullard	Grady	Plakon	Taylor
Burgin	Grimsley	Planas	Thompson, G.
Bush	Hasner	Poppell	Thompson, N.
Cannon	Hays	Porth	Thurston
Carroll	Heller	Precourt	Tobia
Chestnut	Holder	Proctor	Troutman
Clarke-Reed	Homan	Rader	Van Zant
Coley	Hooper	Randolph	Waldman
Cretul	Horner	Ray	Weatherford
Crisafulli	Hudson	Reagan	Weinstein
Cruz	Hukill	Reed	Williams, A.
Culp	Jenne	Rehwinkel Vasilinda	Williams, T.
Domino	Jones	Renuart	Wood
Dorworth	Kelly	Rivera	Workman
Drake	Kiar	Robaina	Zapata
Eisnaugle	Kreegel	Roberson, K.	

Nays—None

So the bill passed and was immediately certified to the Senate.

SB 808—A bill to be entitled An act relating to murder; amending s. 782.04, F.S.; providing that murder in the first degree includes the unlawful killing of a human being which resulted from the unlawful distribution of methadone by a person aged 18 or older when such drug is proven to be the proximate cause of the death of the user; providing penalties; reenacting ss. 775.0823(1) and (2), 782.065(1), 921.0022(3)(i), and 947.146(3)(i), F.S., relating to violent offenses committed against law enforcement officers, correctional officers, state attorneys, assistant state attorneys, justices, or judges, murder of law enforcement officer, the Criminal Punishment Code offense severity ranking chart, and the Control Release Authority, respectively, to incorporate the amendment to s. 782.04, F.S., in references thereto; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1039

Representative Reagan in the Chair.

Yeas—117

Abruzzo	Braynon	Cruz	Frishe
Adams	Brisé	Culp	Galvano
Adkins	Bullard	Domino	Garcia
Ambler	Burgin	Dorworth	Gibbons
Anderson	Bush	Drake	Gibson
Aubuchon	Cannon	Eisnaugle	Glorioso
Bembry	Carroll	Evers	Gonzalez
Bernard	Chestnut	Fetterman	Grady
Bogdanoff	Clarke-Reed	Fitzgerald	Grimsley
Bovo	Coley	Flores	Hasner
Boyd	Cretul	Ford	Hays
Brandenburg	Crisafulli	Fresen	Heller

Holder	McKeel	Renuart	Taylor
Homan	Murzin	Rivera	Thompson, G.
Hooper	Nehr	Robaina	Thompson, N.
Horner	Nelson	Roberson, K.	Thurston
Hudson	O'Toole	Roberson, Y.	Tobia
Hukill	Pafford	Rogers	Troutman
Jenne	Patterson	Rouson	Van Zant
Jones	Plakon	Sachs	Waldman
Kelly	Planas	Sands	Weatherford
Kiar	Poppell	Saunders	Weinstein
Kreegel	Porth	Schenck	Williams, A.
Kriseman	Precourt	Schultz	Williams, T.
Legg	Proctor	Schwartz	Wood
Llorente	Rader	Skidmore	Workman
Long	Ray	Snyder	Zapata
Lopez-Cantera	Reagan	Soto	
Mayfield	Reed	Stargel	
McBurney	Rehwinkel Vasilinda	Steinberg	

Nays—None

So the bill passed and was immediately certified to the Senate.

CS for SB 1012—A bill to be entitled An act relating to juvenile justice facilities and programs; amending s. 985.03, F.S.; defining the term "ordinary medical care"; amending s. 985.64, F.S.; requiring that the Department of Juvenile Justice adopt rules to ensure the effective delivery of services to children in the care and custody of the department; requiring the department to coordinate its rule-adoption process with the Department of Children and Family Services and the Agency for Persons with Disabilities to ensure that the department's rules do not encroach upon the substantive jurisdiction of those agencies; clarifying that the rules of the Department of Juvenile Justice do not supersede provisions governing consent to treatment and services; amending s. 985.721, F.S.; conforming a cross-reference; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1040

Representative Reagan in the Chair.

Yeas—117

Abruzzo	Fetterman	Legg	Rouson
Adams	Fitzgerald	Llorente	Sachs
Adkins	Flores	Long	Sands
Ambler	Ford	Lopez-Cantera	Saunders
Anderson	Fresen	Mayfield	Schenck
Aubuchon	Frishe	McBurney	Schultz
Bembry	Gaetz	McKeel	Schwartz
Bernard	Galvano	Murzin	Skidmore
Bogdanoff	Garcia	Nehr	Snyder
Bovo	Gibbons	Nelson	Soto
Boyd	Gibson	O'Toole	Stargel
Brandenburg	Glorioso	Pafford	Steinberg
Braynon	Gonzalez	Patterson	Taylor
Brisé	Grady	Plakon	Thompson, G.
Bullard	Grimsley	Planas	Thompson, N.
Burgin	Hasner	Poppell	Thurston
Bush	Hays	Porth	Tobia
Cannon	Heller	Precourt	Troutman
Carroll	Holder	Proctor	Van Zant
Chestnut	Homan	Rader	Waldman
Clarke-Reed	Hooper	Ray	Weatherford
Cretul	Horner	Reagan	Weinstein
Crisafulli	Hudson	Reed	Williams, A.
Cruz	Hukill	Rehwinkel Vasilinda	Williams, T.
Culp	Jenne	Renuart	Wood
Domino	Jones	Rivera	Workman
Dorworth	Kelly	Robaina	Zapata
Drake	Kiar	Roberson, K.	
Eisnaugle	Kreegel	Roberson, Y.	
Evers	Kriseman	Rogers	

Nays—None

Votes after roll call:
Yeas—Coley

So the bill passed and was immediately certified to the Senate.

CS for CS for SB 1050—A bill to be entitled An act relating to the sale of ephedrine or related compounds; amending s. 893.1495, F.S.; providing a definition; prohibiting obtaining or delivering to an individual in a retail sale any nonprescription compound, mixture, or preparation containing ephedrine or related compounds in excess of specified amounts; revising provisions relating to retail display of products containing ephedrine or related compounds; revising provisions relating to the training of retail employees; requiring a purchaser of a nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine or related compounds to meet specified requirements; requiring the use of an electronic recordkeeping mechanism approved by the Department of Law Enforcement for such transactions to record specified information; providing exemptions from the electronic recordkeeping requirement; revising provisions concerning local ordinances or regulations; providing exemptions for certain entities; prohibiting any retailer or entity that collects information on behalf of a retailer from accessing or using the information, except for law enforcement purposes or to facilitate a product recall for public health and safety; providing limited civil immunity for the release of information to law enforcement officers; conforming provisions governing criminal penalties for violations; requiring the Department of Law Enforcement to adopt rules; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1041

Representative Reagan in the Chair.

Yeas—118

Abruzzo	Evers	Kriseman	Rogers
Adams	Fetterman	Legg	Rouson
Adkins	Fitzgerald	Llorente	Sachs
Ambler	Flores	Long	Sands
Anderson	Ford	Lopez-Cantera	Saunders
Aubuchon	Fresen	Mayfield	Schenck
Bembry	Frishe	McBurney	Schultz
Bernard	Gaetz	McKeel	Schwartz
Bogdanoff	Galvano	Murzin	Skidmore
Bovo	Garcia	Nehr	Snyder
Boyd	Gibbons	Nelson	Soto
Brandenburg	Gibson	O'Toole	Stargel
Braynon	Glorioso	Pafford	Steinberg
Brisé	Gonzalez	Patterson	Taylor
Bullard	Grady	Plakon	Thompson, G.
Burgin	Grimsley	Planas	Thompson, N.
Bush	Hasner	Poppell	Thurston
Cannon	Hays	Porth	Tobia
Carroll	Heller	Precourt	Troutman
Chestnut	Holder	Proctor	Van Zant
Clarke-Reed	Homan	Rader	Waldman
Coley	Hooper	Ray	Weatherford
Cretul	Horner	Reagan	Weinstein
Crisafulli	Hudson	Reed	Williams, A.
Cruz	Hukill	Rehwinkel Vasilinda	Williams, T.
Culp	Jenne	Renuart	Wood
Domino	Jones	Rivera	Workman
Dorworth	Kelly	Robaina	Zapata
Drake	Kiar	Roberson, K.	
Eisnaugle	Kreegel	Roberson, Y.	

Nays—None

So the bill passed and was immediately certified to the Senate.

THE SPEAKER IN THE CHAIR

CS for SB 1072—A bill to be entitled An act relating to juvenile justice; amending s. 394.492, F.S.; including children 9 years of age or younger at the time of referral for a delinquent act within the definition of those children who are eligible to receive comprehensive mental health services; amending s. 984.03, F.S.; redefining the terms "child in need of services" and "family in need of services" to provide that a child is eligible to receive comprehensive services if the child is 9 years of age or younger at the time of referral to the Department of Juvenile Justice for a delinquent act; amending s. 984.14, F.S.; providing that a child may not be placed in a shelter before a court hearing unless the child is taken into custody for a misdemeanor domestic violence charge and is eligible to be held in secure detention; amending s. 985.02, F.S.; providing additional legislative findings and intent for the juvenile justice system; amending s. 985.03, F.S.; redefining the terms "child in need of services" and "family in need of services" to provide that a child is eligible to receive comprehensive services if the child is 9 years of age or younger at the time of referral to the department for a delinquent act; amending s. 985.125, F.S.; encouraging law enforcement agencies, school districts, counties, municipalities, and the department to establish prearrest or postarrest diversion programs; encouraging operators of diversion programs to give first-time misdemeanor offenders and offenders who are 9 years of age or younger an opportunity to participate in the programs; amending s. 985.145, F.S.; requiring a juvenile probation officer to make a referral to the appropriate shelter if the completed risk assessment instrument shows that the child is ineligible for secure detention; amending s. 985.24, F.S.; prohibiting a child alleged to have committed a delinquent act or violation of law from being placed into secure, nonsecure, or home detention care because of a misdemeanor charge of domestic violence if the child lives in a family that has a history of family violence or if the child is a victim of abuse or neglect; prohibiting a child 9 years of age or younger from being placed into secure detention care unless the child is charged with a capital felony, a life felony, or a felony of the first degree; amending s. 985.245, F.S.; revising membership on the statewide risk assessment instrument committee; amending s. 985.255, F.S.; providing that a child may be retained in home detention care under certain circumstances; providing that a child who is charged with committing a felony offense of domestic violence and who does not meet detention criteria may nevertheless be held in secure detention if the court makes certain specific written findings; amending s. 985.441, F.S.; authorizing a court to commit a female child adjudicated as delinquent to the department for placement in a mother-infant program designed to serve the needs of juvenile mothers or expectant juvenile mothers who are committed as delinquents; requiring the department to adopt rules to govern the operation of the mother-infant program; amending s. 985.45, F.S.; providing that whenever a child is required by the court to participate in any juvenile justice work program, the child is considered an employee of the state for the purpose of workers' compensation; amending s. 985.632, F.S.; requiring the Department of Juvenile Justice to collect and analyze available statistical data for the purpose of ongoing evaluation of all juvenile justice programs; redefining terms; requiring the department to use a standard methodology to annually measure, evaluate, and report program outputs and youth outcomes for each program and program group; requiring that the department submit an annual report to the appropriate committees of the Legislature and the Governor; requiring that the department apply a program accountability measures analysis to each program; deleting obsolete provisions; amending s. 985.664, F.S.; providing that a juvenile justice circuit board may increase its membership to adequately reflect the diversity of the population, community organizations, and child care agencies in its circuit; reenacting ss. 419.001(1)(d), 984.04(5), and 984.15(2)(c) and (3)(c), F.S., relating to community residential homes, families and children in need of services, and filing decisions available to a state attorney, respectively, to incorporate the amendment made to s. 984.03, F.S., in references thereto; reenacting s. 984.13(3), F.S., relating to taking a child into custody, to incorporate the amendment made to s. 984.14, F.S., in a reference thereto; reenacting s. 419.001(1)(d), F.S., relating to community residential homes, to incorporate the amendment made to s. 985.03, F.S., in a reference thereto; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1042

Speaker Cretul in the Chair.

Yeas—118

Abruzzo	Evers	Kriseman	Rogers
Adams	Fetterman	Legg	Rouson
Adkins	Fitzgerald	Llorente	Sachs
Ambler	Flores	Long	Sands
Anderson	Ford	Lopez-Canera	Saunders
Aubuchon	Fresen	Mayfield	Schenck
Bembry	Frishe	McBurney	Schultz
Bernard	Gaetz	McKeel	Schwartz
Bogdanoff	Galvano	Murzin	Skidmore
Bovo	Garcia	Nehr	Snyder
Boyd	Gibbons	Nelson	Soto
Brandenburg	Gibson	O'Toole	Stargel
Braynon	Glorioso	Pafford	Steinberg
Brisé	Gonzalez	Patterson	Taylor
Bullard	Grady	Plakon	Thompson, G.
Burgin	Grimsley	Planas	Thompson, N.
Bush	Hasner	Poppell	Thurston
Cannon	Hays	Porth	Tobia
Carroll	Heller	Precourt	Troutman
Chestnut	Holder	Proctor	Van Zant
Clarke-Reed	Homan	Rader	Waldman
Coley	Hooper	Ray	Weatherford
Cretul	Horner	Reagan	Weinstein
Crisafulli	Hudson	Reed	Williams, A.
Cruz	Hukill	Rehwinkel Vasilinda	Williams, T.
Culp	Jenne	Renuart	Wood
Domino	Jones	Rivera	Workman
Dorworth	Kelly	Robaina	Zapata
Drake	Kiar	Roberson, K.	
Eisnaugle	Kreegel	Roberson, Y.	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

CS for SB 140—A bill to be entitled An act relating to school food service programs; amending s. 1006.06, F.S.; creating the Florida Farm Fresh Schools Program within the Department of Education; requiring the program to comply with regulations of the National School Lunch Program and meet specified requirements; requiring the department to work with the Department of Agriculture and Consumer Services to develop policies that encourage school districts to buy fresh and local food and select foods with maximum nutritional content; requiring the department, in collaboration with the Department of Agriculture and Consumer Services, to provide outreach services regarding the benefits of fresh food products from this state; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1043

Speaker Cretul in the Chair.

Yeas—116

Abruzzo	Braynon	Culp	Gaetz
Adams	Brisé	Domino	Galvano
Adkins	Bullard	Dorworth	Garcia
Ambler	Burgin	Drake	Gibbons
Anderson	Bush	Eisnaugle	Gibson
Aubuchon	Cannon	Evers	Glorioso
Bembry	Carroll	Fetterman	Gonzalez
Bernard	Chestnut	Fitzgerald	Grady
Bogdanoff	Clarke-Reed	Flores	Grimsley
Bovo	Coley	Ford	Hasner
Boyd	Crisafulli	Fresen	Hays
Brandenburg	Cruz	Frishe	Heller

Holder	McBurney	Reed	Soto
Homan	McKeel	Rehwinkel Vasilinda	Stargel
Hooper	Murzin	Renuart	Steinberg
Horner	Nehr	Rivera	Taylor
Hudson	Nelson	Robaina	Thompson, G.
Hukill	O'Toole	Roberson, K.	Thompson, N.
Jenne	Pafford	Roberson, Y.	Thurston
Jones	Patterson	Rogers	Tobia
Kelly	Plakon	Rouson	Troutman
Kiar	Planas	Sachs	Van Zant
Kreegel	Poppell	Sands	Waldman
Kriseman	Porth	Saunders	Weatherford
Legg	Precourt	Schenck	Weinstein
Llorente	Proctor	Schultz	Williams, A.
Long	Rader	Schwartz	Williams, T.
Lopez-Cantera	Ray	Skidmore	Workman
Mayfield	Reagan	Snyder	Zapata

Nays—None

Votes after roll call:

Yeas—Cretul, Wood

So the bill passed and was immediately certified to the Senate.

Recessed

The House recessed at 11:45 a.m., to reconvene at 12:30 p.m.

Reconvened

The House was called to order by the Speaker at 12:30 p.m. A quorum was present [Session Vote Sequence: 1044].

Motion

Rep. Galvano moved that the House advance to **CS for SB 1306** on the Third Reading Calendar. The motion was agreed to.

CS for SB 1306—A bill to be entitled An act relating to public assistance; amending ss. 97.021, 163.2523, 163.456, 220.187, 288.9618, 341.041, 379.353, 402.33, 409.2554, 409.2576, 409.903, 409.942, 411.0101, 414.0252, 414.065, 414.0655, 414.075, 414.085, 414.095, 414.14, 414.16, 414.17, 414.175, 414.31, 414.32, 414.33, 414.34, 414.35, 414.36, 414.39, 414.41, 414.45, 420.624, 430.2053, 445.004, 445.009, 445.024, 445.026, 445.048, 718.115, 817.568, 921.0022, and 943.401, F.S.; revising terminology relating to the food stamp program and the WAGES Program to conform to current federal law; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1045

Speaker Cretul in the Chair.

Yeas—109

Abruzzo	Clarke-Reed	Garcia	Jones
Adams	Coley	Gibbons	Kelly
Adkins	Cretul	Gibson	Kiar
Aubuchon	Crisafulli	Glorioso	Kreegel
Bembry	Cruz	Gonzalez	Kriseman
Bernard	Culp	Grady	Legg
Bogdanoff	Domino	Grimsley	Llorente
Bovo	Dorworth	Hasner	Long
Boyd	Drake	Hays	Lopez-Cantera
Brandenburg	Eisnaugle	Heller	Mayfield
Braynon	Evers	Holder	McBurney
Brisé	Fitzgerald	Homan	McKeel
Bullard	Flores	Hooper	Murzin
Burgin	Ford	Horner	Nehr
Bush	Fresen	Hudson	Nelson
Cannon	Gaetz	Hukill	O'Toole
Chestnut	Galvano	Jenne	Pafford

Patterson	Renuart	Schultz	Waldman
Planas	Rivera	Skidmore	Weatherford
Poppell	Robaina	Snyder	Weinstein
Porth	Roberson, K.	Soto	Williams, A.
Precourt	Roberson, Y.	Stargel	Williams, T.
Proctor	Rogers	Steinberg	Wood
Rader	Rouson	Taylor	Workman
Ray	Sachs	Thompson, G.	Zapata
Reagan	Sands	Thompson, N.	
Reed	Saunders	Tobia	
Rehwinkel Vasilinda	Schenck	Van Zant	

Nays—None

Votes after roll call:

Yeas—Anderson, Fetterman, Frishe, Thurston, Troutman

Yeas to Nays—Thurston

So the bill passed and was immediately certified to the Senate.

SB 166—A bill to be entitled An act relating to the use of prescribed pancreatic enzyme supplements; amending s. 1002.20, F.S.; authorizing certain K-12 students to use prescribed pancreatic enzyme supplements under certain circumstances; requiring the State Board of Education to adopt rules; providing for indemnification; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1046

Speaker Cretul in the Chair.

Yeas—109

Abruzzo	Fitzgerald	Llorente	Rouson
Adams	Flores	Long	Sachs
Adkins	Ford	Lopez-Cantera	Sands
Aubuchon	Fresen	McBurney	Saunders
Bembry	Gaetz	McKeel	Schenck
Bernard	Garcia	Murzin	Schultz
Bogdanoff	Gibbons	Nehr	Skidmore
Bovo	Gibson	Nelson	Snyder
Boyd	Glorioso	O'Toole	Soto
Brandenburg	Gonzalez	Pafford	Stargel
Braynon	Grady	Patterson	Steinberg
Brisé	Grimsley	Planas	Taylor
Burgin	Hasner	Poppell	Thompson, G.
Bush	Hays	Porth	Thompson, N.
Carroll	Heller	Precourt	Thurston
Chestnut	Holder	Proctor	Tobia
Clarke-Reed	Homan	Rader	Van Zant
Coley	Hooper	Randolph	Waldman
Cretul	Horner	Ray	Weatherford
Crisafulli	Hudson	Reagan	Weinstein
Cruz	Hukill	Reed	Williams, A.
Culp	Jenne	Rehwinkel Vasilinda	Williams, T.
Domino	Jones	Renuart	Wood
Dorworth	Kelly	Rivera	Workman
Drake	Kiar	Robaina	Zapata
Eisnaugle	Kreegel	Roberson, K.	
Evers	Kriseman	Roberson, Y.	
Fetterman	Legg	Rogers	

Nays—None

Votes after roll call:

Yeas—Anderson, Bullard, Frishe, Mayfield, Troutman

So the bill passed and was immediately certified to the Senate.

CS for SB 206—A bill to be entitled An act relating to district school board policies and procedures; amending s. 1001.43, F.S.; providing legislative intent to recognize student academic achievement; encouraging each district school board to adopt policies and procedures that provide for an annual "Academic Scholarship Signing Day"; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1047

Speaker Cretul in the Chair.

Yeas—115

Abruzzo	Eisnaugle	Kreegel	Roberson, K.
Adams	Evers	Kriseman	Roberson, Y.
Adkins	Fetterman	Legg	Rogers
Ambler	Fitzgerald	Llorente	Rouson
Anderson	Flores	Long	Sachs
Aubuchon	Ford	Lopez-Cantera	Sands
Bembry	Fresen	Mayfield	Saunders
Bernard	Gaetz	McBurney	Schenck
Bogdanoff	Galvano	McKeel	Schultz
Bovo	Garcia	Murzin	Skidmore
Boyd	Gibbons	Nehr	Snyder
Brandenburg	Gibson	Nelson	Soto
Braynon	Glorioso	O'Toole	Stargel
Brisé	Gonzalez	Pafford	Steinberg
Bullard	Grady	Patterson	Taylor
Burgin	Grimsley	Planas	Thompson, G.
Bush	Hasner	Poppell	Thompson, N.
Cannon	Hays	Porth	Thurston
Carroll	Heller	Precourt	Tobia
Chestnut	Holder	Proctor	Van Zant
Clarke-Reed	Homan	Rader	Waldman
Coley	Hooper	Randolph	Weatherford
Cretul	Horner	Ray	Weinstein
Crisafulli	Hudson	Reagan	Williams, A.
Cruz	Hukill	Reed	Williams, T.
Culp	Jenne	Rehwinkel Vasilinda	Wood
Domino	Jones	Renuart	Workman
Dorworth	Kelly	Rivera	Zapata
Drake	Kiar	Robaina	

Nays—None

Votes after roll call:

Yeas—Frishe, Troutman

So the bill passed and was immediately certified to the Senate.

CS for CS for SB 850—A bill to be entitled An act relating to the Florida Industrial and Phosphate Research Institute; transferring, renumbering, and amending s. 378.101, F.S.; renaming the Florida Institute of Phosphate Research as the "Florida Industrial and Phosphate Research Institute" and establishing it within the University of South Florida Polytechnic; creating the Phosphate Research and Activities Board; providing duties, membership, and terms for the board; providing for an executive director of the institute; providing duties for the executive director; providing duties and authorized activities for the institute; amending s. 211.31, F.S.; conforming a cross-reference; providing for a type two transfer of the Florida Institute of Phosphate Research to the Florida Industrial and Phosphate Research Institute within the University of South Florida Polytechnic; repealing s. 378.102, F.S., relating to the Florida Institute of Phosphate Research; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1048

Speaker Cretul in the Chair.

Yeas—114

Abruzzo	Bogdanoff	Bush	Cruz
Adams	Bovo	Cannon	Culp
Adkins	Boyd	Carroll	Domino
Ambler	Brandenburg	Chestnut	Dorworth
Anderson	Braynon	Clarke-Reed	Drake
Aubuchon	Brisé	Coley	Eisnaugle
Bembry	Bullard	Cretul	Fetterman
Bernard	Burgin	Crisafulli	

Fitzgerald	Hukill	Poppell	Skidmore
Flores	Jenne	Porth	Snyder
Ford	Jones	Precourt	Soto
Fresen	Kelly	Proctor	Stargel
Gaetz	Kiar	Rader	Steinberg
Galvano	Kreegel	Randolph	Taylor
Garcia	Kriseman	Ray	Thompson, G.
Gibbons	Legg	Reagan	Thompson, N.
Gibson	Llorente	Reed	Thurston
Glorioso	Long	Rehwinkel Vasilinda	Tobia
Gonzalez	Lopez-Cantera	Renuart	Van Zant
Grady	Mayfield	Rivera	Waldman
Grimsley	McBurney	Robaina	Weatherford
Hasner	McKeel	Roberson, K.	Weinstein
Hays	Murzin	Roberson, Y.	Williams, A.
Heller	Nehr	Rogers	Williams, T.
Holder	Nelson	Sachs	Wood
Homan	O'Toole	Sands	Workman
Hooper	Pafford	Saunders	Zapata
Horner	Patterson	Schenck	
Hudson	Planas	Schultz	

Nays—None

Votes after roll call:

Yeas—Frishe, Troutman

So the bill passed and was immediately certified to the Senate.

CS for CS for SB 1058—A bill to be entitled An act relating to the cooperation between schools and juvenile authorities; amending s. 985.04, F.S.; requiring that specified school personnel be notified when a child of any age is formally charged by a state attorney with a felony or a delinquent act that would be a felony if committed by an adult and the disposition of the charges; amending s. 1002.221, F.S.; authorizing certain entities to release a student's education records without consent of the student or parent to parties to an interagency agreement for specified purposes; providing that without consent such information is inadmissible in a court proceeding before a dispositional hearing; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1049

Speaker Cretul in the Chair.

Yeas—113

Abruzzo	Evers	Legg	Roberson, Y.
Adams	Fetterman	Llorente	Rogers
Adkins	Fitzgerald	Long	Sachs
Ambler	Flores	Lopez-Cantera	Sands
Anderson	Ford	Mayfield	Saunders
Aubuchon	Fresen	McBurney	Schenck
Bembry	Gaetz	McKeel	Schultz
Bernard	Galvano	Murzin	Skidmore
Bogdanoff	Garcia	Nehr	Snyder
Bovo	Gibbons	Nelson	Soto
Boyd	Gibson	O'Toole	Stargel
Brandenburg	Glorioso	Pafford	Steinberg
Braynon	Gonzalez	Patterson	Taylor
Brisé	Grady	Plakon	Thompson, G.
Bullard	Grimsley	Planas	Thompson, N.
Burgin	Hasner	Poppell	Thurston
Bush	Hays	Porth	Tobia
Cannon	Heller	Precourt	Troutman
Carroll	Holder	Proctor	Van Zant
Chestnut	Homan	Rader	Waldman
Clarke-Reed	Hooper	Randolph	Weatherford
Coley	Horner	Ray	Weinstein
Crisafulli	Hudson	Reagan	Williams, A.
Cruz	Hukill	Reed	Williams, T.
Culp	Jones	Rehwinkel Vasilinda	Wood
Domino	Kelly	Renuart	Workman
Dorworth	Kiar	Rivera	
Drake	Kreegel	Robaina	
Eisnaugle	Kriseman	Roberson, K.	

Nays—1

Jenne

Votes after roll call:

Yeas—Cretul, Frishe

So the bill passed and was immediately certified to the Senate.

CS for SB 200—A bill to be entitled An act relating to parole interview dates for certain inmates; amending ss. 947.16, 947.174, and 947.1745, F.S.; extending from 5 to 7 years the period between parole interview dates for inmates convicted of violating specified provisions or serving a mandatory minimum sentence under a specified provision; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1050

Speaker Cretul in the Chair.

Yeas—114

Abruzzo	Evers	Legg	Roberson, Y.
Adams	Fetterman	Llorente	Rogers
Adkins	Fitzgerald	Long	Sachs
Ambler	Flores	Lopez-Cantera	Sands
Anderson	Ford	Mayfield	Saunders
Aubuchon	Fresen	McBurney	Schenck
Bembry	Gaetz	McKeel	Schultz
Bernard	Galvano	Murzin	Skidmore
Bogdanoff	Gibbons	Nehr	Snyder
Boyd	Gibson	Nelson	Soto
Brandenburg	Glorioso	O'Toole	Stargel
Braynon	Gonzalez	Pafford	Steinberg
Brisé	Grady	Patterson	Taylor
Bullard	Grimsley	Plakon	Thompson, G.
Burgin	Hasner	Planas	Thompson, N.
Bush	Hays	Poppell	Thurston
Cannon	Heller	Porth	Tobia
Carroll	Holder	Precourt	Troutman
Chestnut	Homan	Proctor	Van Zant
Clarke-Reed	Hooper	Rader	Waldman
Coley	Horne	Randolph	Weatherford
Cretul	Hudson	Ray	Weinstein
Crisafulli	Hukill	Reagan	Williams, A.
Cruz	Jenne	Reed	Williams, T.
Culp	Jones	Rehwinkel	Wood
Domino	Kelly	Renuart	Workman
Dorworth	Kiar	Rivera	Zapata
Drake	Kreegel	Robaina	
Eisnaugle	Kriseman	Roberson, K.	

Nays—None

Votes after roll call:

Yeas—Bovo, Frishe, Garcia

So the bill passed and was immediately certified to the Senate.

CS for CS for CS for SB 2014—A bill to be entitled An act relating to early learning; amending s. 39.0121, F.S.; deleting an obsolete reference to the repealed subsidized child care program; amending s. 39.202, F.S.; replacing an obsolete reference to a repealed program with an updated reference to the school readiness program; authorizing county agencies responsible for licensure or approval of child care providers to be granted access to certain confidential reports and records in cases of child abuse or neglect; amending s. 39.5085, F.S.; deleting an obsolete reference to a repealed program; amending s. 383.14, F.S.; replacing obsolete references to the former State Coordinating Council for School Readiness Programs with updated references to the Agency for Workforce Innovation; transferring, renumbering, and amending s. 402.25, F.S.; updating an obsolete reference to a repealed program; deleting obsolete references relating to the repealed

prekindergarten early intervention program and Florida First Start Program; amending s. 402.26, F.S.; revising legislative intent; updating an obsolete reference to a repealed program; amending s. 402.281, F.S.; establishing the Gold Seal Quality Care program within the Department of Children and Family Services; providing that a child care facility, large family child care home, or family day care home may receive a Gold Seal Quality Care designation if accredited by a nationally recognized accrediting association and certain requirements are met; requiring that the department adopt rules establishing accreditation standards; requiring that an accrediting association apply to the department for participation in the program; requiring that the department consult with the Agency for Workforce Innovation regarding the approval of accrediting associations for the program; transferring and renumbering s. 402.3016, F.S., relating to Early Head Start collaboration grants; transferring, renumbering, and amending s. 402.3018, F.S.; transferring administration of the statewide toll-free Warm-Line from the department to the agency; conforming provisions; transferring, renumbering, and amending s. 402.3051, F.S.; revising procedures for child care market rate reimbursement and child care grants; transferring authority to establish the procedures from the department to the agency; directing the agency to adopt a prevailing market rate schedule for child care services; revising definitions; authorizing the agency to enter into contracts and adopt rules; amending s. 402.313, F.S.; deleting obsolete provisions authorizing the department to license family day care homes participating in a repealed program; repealing s. 402.3135, F.S., relating to the subsidized child care program case management program; transferring, renumbering, and amending s. 402.3145, F.S.; transferring administration of certain transportation services for children at risk of abuse or neglect from the department to the agency; revising requirements for the provision of such transportation services; amending s. 402.315, F.S.; revising provisions relating to fees collected for child care facilities; amending s. 402.45, F.S.; updating an obsolete reference relating to a former council; directing the Department of Health to consult with the agency regarding certain training provided for contractors of the community resource mother or father program; amending s. 409.1671, F.S.; clarifying that a licensed foster home may be dually licensed as a family day care home or large family child care home and receive certain payments for the same child; deleting an obsolete reference to a repealed program; amending s. 411.01, F.S.; revising provisions relating to the School Readiness Act; revising legislative intent; revising the duties and responsibilities of the Agency for Workforce Innovation; revising provisions for school readiness plans; specifying that certain program providers' compliance with licensing standards satisfies certain health screening requirements; requiring early learning coalitions to maintain certain direct enhancement services; deleting obsolete provisions relating to the merger of early learning coalitions; revising provisions for the membership of early learning coalitions and the voting privileges of such members; revising requirements for parental choice; directing the agency to establish a formula for allocating school readiness funds to each county; providing for legislative notice and review of the formula; amending s. 411.0101, F.S.; revising requirements for services provided by the statewide child care resource and referral network; updating obsolete references to repealed programs; amending s. 411.0102, F.S.; revising provisions relating to the Child Care Executive Partnership Act; updating obsolete references to repealed programs; deleting provisions relating to the duties of each early coalition board; amending s. 411.203, F.S.; deleting an obsolete reference to a repealed program; conforming provisions; amending s. 411.221, F.S.; updating an obsolete reference to a former council; amending ss. 445.024, 445.030, 490.014, and 491.014, F.S.; deleting obsolete references to repealed programs; conforming provisions to the repeal of the subsidized child care case management program; amending ss. 1002.53, 1002.55, 1002.67, and 1002.71, F.S.; revising provisions relating to the eligibility requirements for private prekindergarten providers; conforming provisions to changes made by the act; amending s. 1002.69, F.S.; revising provisions relating to statewide kindergarten screening and kindergarten readiness rates; authorizing the State Board of Education to grant an exemption to a private prekindergarten provider or public school if requested and good cause is shown; providing for the renewal of such exemption; requiring that certain information be submitted along with the provider's or public school's request for the exemption; requiring that the board adopt criteria for granting the

exemption; providing that the exemption not be granted under certain circumstances; requiring notice to the Agency for Workforce Innovation of exemptions; amending s. 1002.73, F.S.; requiring that the Department of Education adopt procedures for granting good cause exemptions to private prekindergarten providers and public schools; amending s. 1009.64, F.S.; deleting an obsolete reference to a repealed program; amending s. 125.901, F.S.; requiring the governing body of the county to submit to the electorate the question of retention or dissolution of a special taxing district created to provide funding for children's services; prescribing a schedule and conditions relating to submission of the question to the electorate; prescribing reauthorization conditions governing newly created children's services districts; providing for the application of the revisions made by this act to s. 125.901, F.S., to certain children's services special districts in existence before and after the effective date of the act; providing effective dates.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1051

Speaker Cretul in the Chair.

Yeas—113

Abruzzo	Eisnagle	Kreegel	Roberson, K.
Adams	Evers	Kriseman	Roberson, Y.
Adkins	Fetterman	Legg	Rogers
Ambler	Fitzgerald	Llorente	Sachs
Anderson	Flores	Lopez-Cantera	Sands
Aubuchon	Ford	Mayfield	Saunders
Bembry	Fresen	McBurney	Schenck
Bernard	Gaetz	McKeel	Skidmore
Bogdanoff	Galvano	Murzin	Snyder
Bovo	Garcia	Nehr	Soto
Boyd	Gibbons	Nelson	Stargel
Brandenburg	Gibson	O'Toole	Steinberg
Braynon	Glorioso	Pafford	Taylor
Brisé	Gonzalez	Patterson	Thompson, G.
Bullard	Grady	Plakon	Thompson, N.
Burgin	Grimsley	Planas	Thurston
Bush	Hasner	Poppell	Tobia
Cannon	Hays	Porth	Van Zant
Carroll	Heller	Precourt	Waldman
Chestnut	Holder	Proctor	Weatherford
Clarke-Reed	Homan	Rader	Weinstein
Coley	Hooper	Randolph	Williams, A.
Cretul	Horne	Ray	Williams, T.
Crisafulli	Hudson	Reagan	Wood
Cruz	Hukill	Reed	Workman
Culp	Jenne	Rehwinkel Vasilinda	Zapata
Domino	Jones	Renuart	
Dorworth	Kelly	Rivera	
Drake	Kiar	Robaina	

Nays—None

Votes after roll call:

Yeas—Frishe, Long, Schultz, Troutman

Yeas to Nays—Long

Nays to Yeas—Long

So the bill passed and was immediately certified to the Senate.

SB 150—A bill to be entitled An act relating to criminal history record checks; defining the terms "independent youth athletic team," "sanctioning authority," and "sports coach"; requiring the sanctioning authority of an independent youth athletic team to screen an applicant for sports coach through designated public websites maintained by the Department of Law Enforcement and the United States Department of Justice; requiring the sanctioning authority to disqualify any applicant from acting as a sports coach if that applicant appears on either registry; requiring that the sanctioning authority notify the applicant of his or her right to obtain a copy of the screening report; providing that an applicant who is disqualified from acting as a sports coach based on the screening may appeal to the sanctioning authority the accuracy and completeness of the screening report; providing

that the sanctioning authority may place an applicant appealing his or her disqualification as a sports coach on probationary status pending resolution of the appeal; providing that a background screening in compliance with the federal Fair Credit Reporting Act satisfies screening provisions; requiring each sanctioning authority to sign an affidavit annually, under penalty of perjury, stating that all persons who have applied for a position as a sports coach of an independent youth athletic team under its jurisdiction have been screened; requiring a sanctioning authority to maintain the affidavit in its files and provide a copy of the affidavit to anyone upon request; creating rebuttable presumptions in a civil action brought against a sanctioning authority in which it is alleged that the sanctioning authority was negligent in the hiring of a sports coach because of sexual misconduct committed by the sports coach; providing legislative intent encouraging sanctioning authorities for youth athletic teams to participate in the Volunteer and Employee Criminal History System as authorized by the National Child Protection Act and the laws of this state; providing an effective date.

—was read the third time by title.

Representative Hasner offered the following:

(Amendment Bar Code: 771551)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Athletic coaches for independent sanctioning authorities.—

(1) As used in this section, the term:

(a) "Athletic coach" means a person who:

1. Is authorized by an independent sanctioning authority to work for 20 or more hours within a calendar year, whether for compensation or as a volunteer, for a youth athletic team based in this state; and

2. Has direct contact with one or more minors on the youth athletic team.

(b) "Independent sanctioning authority" means a private, nongovernmental entity that organizes, operates, or coordinates a youth athletic team in this state if the team includes one or more minors and is not affiliated with a private school as defined in s. 1002.01, Florida Statutes.

(2) An independent sanctioning authority shall:

(a)1. Conduct a background screening of each current and prospective athletic coach. No person shall be authorized by the independent sanctioning authority to act as an athletic coach after July 1, 2010, unless a background screening has been conducted and did not result in disqualification under paragraph (b). Background screenings shall be conducted annually for each athletic coach. For purposes of this section, a background screening shall be conducted with a search of the athletic coach's name or other identifying information against state and federal registries of sexual predators and sexual offenders, which are available to the public on Internet sites provided by:

a. The Department of Law Enforcement under s. 943.043, Florida Statutes; and

b. The Attorney General of the United States under 42 U.S.C. s. 16920.

2. For purposes of this section, a background screening conducted by a commercial consumer reporting agency in compliance with the federal Fair Credit Reporting Act using the identifying information referenced in subparagraph 1. and that includes searching that information against the sexual predator and sexual offender Internet sites listed in sub-subparagraphs 1.a. and b. shall be deemed in compliance with the requirements of this section.

(b) Disqualify any person from acting as an athletic coach if he or she is identified on a registry described in paragraph (a).

(c) Provide, within 7 business days following the background screening under paragraph (a), written notice to a person disqualified under this section advising the person of the results and of his or her disqualification.

(d) Maintain documentation of:

1. The results for each person screened under paragraph (a); and

2. The written notice of disqualification provided to each person under paragraph (c).

(3) In a civil action for the death of, or injury or damage to, a third person caused by the intentional tort of an athletic coach that relates to alleged sexual

misconduct by the athletic coach, there is a rebuttable presumption that the independent sanctioning authority was not negligent in authorizing the athletic coach if the authority complied with the background screening and disqualification requirements of subsection (2) prior to such authorization.

(4) The Legislature encourages independent sanctioning authorities for youth athletic teams to participate in the Volunteer and Employee Criminal History System, as authorized by the National Child Protection Act of 1993 and s. 943.0542, Florida Statutes.

Section 2. This act shall take effect July 1, 2010.

TITLE AMENDMENT

Remove the entire title and insert:

A bill to be entitled

An act relating to athletic coaches; defining the terms "athletic coach" and "independent sanctioning authority"; requiring the independent sanctioning authority of a youth athletic team to screen the background of current and prospective athletic coaches through designated state and federal sex offender registries; providing that a commercial consumer reporting agency screening that meets specified requirements complies with screening requirements; requiring the independent sanctioning authority to disqualify any athletic coach appearing on a registry; requiring the independent sanctioning authority to provide a disqualified athletic coach with written notice; requiring the independent sanctioning authority to maintain documentation of screening results and disqualification notices; providing a rebuttable presumption that an independent sanctioning authority did not negligently authorize an athletic coach for purposes of a civil action for an intentional tort relating to alleged sexual misconduct by the athletic coach if the authority complied with the screening and disqualification requirements; encouraging independent sanctioning authorities for youth athletic teams to participate in the Volunteer and Employee Criminal History System; providing an effective date.

Rep. Hasner moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of SB 150. The vote was:

Session Vote Sequence: 1052

Speaker Cretul in the Chair.

Yeas—116

Abruzzo	Eisnaugle	Kreegel	Robaina
Adams	Evers	Kriseman	Roberson, K.
Adkins	Fetterman	Legg	Roberson, Y.
Ambler	Fitzgerald	Llorente	Rogers
Anderson	Flores	Long	Sachs
Aubuchon	Ford	Lopez-Cantera	Sands
Bembry	Fresen	Mayfield	Saunders
Bernard	Gaetz	McBurney	Schenck
Bogdanoff	Galvano	McKeel	Schultz
Bovo	Garcia	Murzin	Skidmore
Boyd	Gibbons	Nehr	Snyder
Brandenburg	Gibson	Nelson	Soto
Braynon	Glorioso	O'Toole	Stargel
Brisé	Gonzalez	Pafford	Steinberg
Bullard	Grady	Patterson	Taylor
Burgin	Grimsley	Plakon	Thompson, G.
Bush	Hasner	Planas	Thompson, N.
Cannon	Hays	Poppell	Thurston
Carroll	Heller	Porth	Tobia
Chestnut	Holder	Precourt	Troutman
Clarke-Reed	Homan	Proctor	Van Zant
Coley	Hooper	Rader	Waldman
Cretul	Horner	Randolph	Weatherford
Crisafulli	Hudson	Ray	Weinstein
Cruz	Hukill	Reagan	Williams, A.
Culp	Jenne	Reed	Williams, T.
Domino	Jones	Rehwinkel Vasilinda	Wood
Dorworth	Kelly	Renuart	Workman
Drake	Kiar	Rivera	Zapata

Nays—None

Votes after roll call:

Yeas—Frishe

So the bill passed, as amended, and was immediately certified to the Senate.

SB 488—A bill to be entitled An act relating to motor vehicle registration application forms; amending s. 320.02, F.S.; requiring application forms to provide for a voluntary contribution to Florida Network of Children's Advocacy Centers, Inc.; providing for the use of such funds; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1053

Speaker Cretul in the Chair.

Yeas—112

Abruzzo	Eisnaugle	Kiar	Rivera
Adams	Evers	Kreegel	Roberson, K.
Adkins	Fetterman	Kriseman	Roberson, Y.
Ambler	Fitzgerald	Legg	Rogers
Anderson	Flores	Llorente	Sachs
Aubuchon	Ford	Long	Sands
Bembry	Fresen	Lopez-Cantera	Saunders
Bernard	Gaetz	Mayfield	Schenck
Bogdanoff	Galvano	McBurney	Schultz
Bovo	Garcia	McKeel	Skidmore
Boyd	Gibbons	Murzin	Snyder
Brandenburg	Gibson	Nehr	Soto
Braynon	Glorioso	Nelson	Stargel
Brisé	Gonzalez	O'Toole	Steinberg
Bullard	Grady	Pafford	Taylor
Burgin	Grimsley	Patterson	Thompson, G.
Bush	Hasner	Plakon	Thurston
Cannon	Hays	Planas	Tobia
Carroll	Heller	Poppell	Troutman
Chestnut	Holder	Porth	Van Zant
Coley	Homan	Precourt	Waldman
Cretul	Hooper	Proctor	Weatherford
Crisafulli	Horner	Rader	Weinstein
Cruz	Hudson	Ray	Williams, A.
Culp	Hukill	Reagan	Williams, T.
Domino	Jenne	Reed	Wood
Dorworth	Jones	Rehwinkel Vasilinda	Workman
Drake	Kelly	Renuart	Zapata

Nays—None

Votes after roll call:

Yeas—Clarke-Reed, Frishe, Robaina

So the bill passed and was immediately certified to the Senate.

CS for SB 768—A bill to be entitled An act relating to street racing; creating the "Luis Rivera Ortega Street Racing Act"; amending s. 316.191, F.S.; revising penalties for violating provisions prohibiting certain speed competitions and exhibitions; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1054

Speaker Cretul in the Chair.

Yeas—114

Abruzzo	Evers	Kriseman	Roberson, K.
Adams	Fetterman	Legg	Roberson, Y.
Adkins	Fitzgerald	Llorente	Rogers
Ambler	Flores	Long	Sachs
Anderson	Ford	Lopez-Cantera	Sands
Aubuchon	Fresen	Mayfield	Saunders
Bembry	Gaetz	McBurney	Schenck
Bernard	Galvano	McKeel	Schultz
Bogdanoff	Garcia	Murzin	Skidmore
Bovo	Gibbons	Nehr	Snyder
Boyd	Gibson	Nelson	Soto
Brandenburg	Glorioso	O'Toole	Stargel
Braynon	Gonzalez	Pafford	Steinberg
Brisé	Grady	Patterson	Taylor
Bullard	Grimsley	Plakon	Thompson, G.
Burgin	Hasner	Planas	Thurston
Bush	Hays	Poppell	Tobia
Cannon	Heller	Porth	Troutman
Carroll	Holder	Precourt	Van Zant
Chestnut	Homan	Proctor	Waldman
Clarke-Reed	Hooper	Rader	Weatherford
Coley	Horner	Randolph	Weinstein
Crisafulli	Hudson	Ray	Williams, A.
Cruz	Hukill	Reagan	Williams, T.
Culp	Jenne	Reed	Wood
Domino	Jones	Rehwinkel Vasilinda	Workman
Dorworth	Kelly	Renuart	Zapata
Drake	Kiar	Rivera	
Eisnaugle	Kreegel	Robaina	

Nays—None

Votes after roll call:

Yeas—Cretul, Frishe

So the bill passed and was immediately certified to the Senate.

CS for SB 962—A bill to be entitled An act relating to driver license records; amending s. 322.142, F.S.; revising the authorized uses of license identification information maintained by the Department of Highway Safety and Motor Vehicles and released to the Department of Children and Family Services; authorizing use for certain adult protective services investigations; providing conditions for such information to be used for verification of identity in determination of eligibility for public assistance and for certain fraud investigations; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1055

Speaker Cretul in the Chair.

Yeas—115

Abruzzo	Crisafulli	Hays	Nelson
Adams	Cruz	Heller	O'Toole
Adkins	Culp	Holder	Pafford
Ambler	Domino	Homan	Patterson
Anderson	Dorworth	Hooper	Plakon
Aubuchon	Drake	Horner	Planas
Bembry	Eisnaugle	Hudson	Poppell
Bernard	Evers	Hukill	Porth
Bogdanoff	Fetterman	Jenne	Precourt
Bovo	Fitzgerald	Jones	Proctor
Boyd	Flores	Kelly	Rader
Brandenburg	Ford	Kiar	Ray
Braynon	Fresen	Kreegel	Reagan
Brisé	Gaetz	Kriseman	Reed
Bullard	Galvano	Legg	Rehwinkel Vasilinda
Burgin	Garcia	Llorente	Renuart
Bush	Gibbons	Long	Rivera
Cannon	Gibson	Lopez-Cantera	Robaina
Carroll	Glorioso	Mayfield	Roberson, K.
Chestnut	Gonzalez	McBurney	Roberson, Y.
Clarke-Reed	Grady	McKeel	Rogers
Coley	Grimsley	Murzin	Sachs
Cretul	Hasner	Nehr	Sands

Saunders	Stargel	Tobia
Schenck	Steinberg	Troutman
Schultz	Taylor	Van Zant
Skidmore	Thompson, G.	Waldman
Snyder	Thompson, N.	Weatherford
Soto	Thurston	Weinstein

Nays—None

Votes after roll call:

Yeas—Frishe

So the bill passed and was immediately certified to the Senate.

CS for CS for SB 1842—A bill to be entitled An act relating to transportation projects; creating s. 335.199, F.S.; directing the Department of Transportation to notify certain property owners and local governmental entities of certain proposed projects before finalizing the design of certain transportation projects; providing a timeframe for notification; requiring the department to hold a public hearing and receive public input regarding the effects of the project on local businesses; directing the department to consider the comments in the final design of the project; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1056

Speaker Cretul in the Chair.

Yeas—118

Abruzzo	Evers	Kriseman	Roberson, Y.
Adams	Fetterman	Legg	Rogers
Adkins	Fitzgerald	Llorente	Rouson
Ambler	Flores	Long	Sachs
Anderson	Ford	Lopez-Cantera	Sands
Aubuchon	Fresen	Mayfield	Saunders
Bembry	Frishe	McBurney	Schenck
Bernard	Gaetz	McKeel	Schultz
Bogdanoff	Galvano	Murzin	Skidmore
Bovo	Garcia	Nehr	Snyder
Boyd	Gibbons	Nelson	Soto
Brandenburg	Gibson	O'Toole	Stargel
Braynon	Glorioso	Pafford	Steinberg
Brisé	Gonzalez	Patterson	Taylor
Bullard	Grady	Plakon	Thompson, G.
Burgin	Grimsley	Planas	Thompson, N.
Bush	Hasner	Poppell	Thurston
Cannon	Hays	Porth	Tobia
Carroll	Heller	Precourt	Troutman
Chestnut	Holder	Proctor	Van Zant
Clarke-Reed	Homan	Rader	Waldman
Coley	Hooper	Randolph	Weatherford
Cretul	Horner	Ray	Weinstein
Crisafulli	Hudson	Reagan	Williams, A.
Cruz	Hukill	Reed	Williams, T.
Culp	Jenne	Rehwinkel Vasilinda	Wood
Domino	Jones	Renuart	Workman
Dorworth	Kelly	Rivera	Zapata
Drake	Kiar	Robaina	
Eisnaugle	Kreegel	Roberson, K.	

Nays—None

So the bill passed and was immediately certified to the Senate.

CS for CS for SB 2272—A bill to be entitled An act relating to controlled substances; amending s. 456.037, F.S.; providing that pain-management clinics that are required to be registered with the Department of Health are business establishments; amending s. 456.057, F.S.; providing that the Department of Health is not required to attempt to obtain authorization from a patient for the release of the patient's medical records under certain circumstances; authorizing the department to obtain patient records without

authorization or subpoena if the department has probable cause to believe that certain violations have occurred or are occurring; repealing s. 458.309(4), (5), and (6), F.S., relating to pain-management clinics; creating s. 458.3265, F.S.; requiring all privately owned pain-management clinics, or offices that primarily engage in the treatment of pain by prescribing or dispensing controlled substance medications or by employing a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, to register with the Department of Health; providing exceptions; requiring each location of a pain-management clinic to register separately; requiring a clinic to designate a physician who is responsible for complying with requirements related to registration and operation of the clinic; requiring the department to deny registration or revoke the registration of a pain-management clinic for certain conditions; authorizing the department to revoke a clinic's certificate of registration and prohibit physicians associated with the clinic from practicing at the clinic's location; requiring a pain-management clinic to cease operating if its registration certificate is revoked or suspended; requiring certain named persons to remove all signs and symbols identifying the premises as a pain-management clinic; requiring a pain-management clinic that has had its registration revoked or suspended to advise the department of the disposition of the medicinal drugs located on the premises; providing that medicinal drugs that are purchased or held by a pain-management clinic that is not registered may be deemed adulterated; prohibiting any person acting as an individual or as part of a group from applying for a certificate to operate a pain-management clinic for a certain period after the date the person's registration certificate is revoked; providing that a change of ownership of a registered pain-management clinic requires submission of a new registration application; providing the responsibilities of a physician who provides professional services at a pain-management clinic; requiring the department to inspect pain-management clinics and its patient records; providing an exception to inspection by the department; requiring a pain-management clinic to document corrective action; requiring the department and the Board of Medicine to adopt rules; authorizing the department to impose fines, deny a clinic's registration, or revoke a clinic's registration; amending s. 458.327, F.S.; providing that the commission of certain specified acts involving a nonregistered pain-management clinic constitutes a felony of the third degree or a misdemeanor of the first degree; amending s. 458.331, F.S.; providing additional acts that constitute grounds for disciplinary actions against health professional licensees; repealing s. 459.005(3), (4), and (5), F.S., relating to pain-management clinics; creating s. 459.0137, F.S.; requiring all privately owned pain-management clinics, or offices that primarily engage in the treatment of pain by prescribing or dispensing controlled substance medications or by employing an osteopathic physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, to register with the department; providing exceptions; requiring each location of a pain-management clinic to register separately; requiring a clinic to designate an osteopathic physician who is responsible for complying with requirements related to registration and operation of the clinic; requiring the department to deny registration or revoke the registration of a pain-management clinic for certain conditions; authorizing the department to revoke a clinic's certificate of registration and prohibit osteopathic physicians associated with the clinic from practicing at the clinic's location; requiring a pain-management clinic to cease operating if its registration certificate is revoked or suspended; requiring certain named persons to remove all signs and symbols identifying the premises as a pain-management clinic; requiring a pain-management clinic that has had its registration revoked or suspended to advise the department of the disposition of the medicinal drugs located on the premises; providing that medicinal drugs that are purchased or held by a pain-management clinic that is not registered may be deemed adulterated; prohibiting any person acting as an individual or as part of a group from applying for a certificate to operate a pain-management clinic for a certain period after the date the person's registration certificate is revoked; providing that a change of ownership of a registered pain-management clinic requires submission of a new registration application; providing the responsibilities of an osteopathic physician who provides professional services at a pain-management clinic; requiring the department to inspect pain-management clinics and its patient records; providing an exception to inspection by the

department; requiring a pain-management clinic to document corrective action; requiring the department and the Board of Osteopathic Medicine to adopt rules; authorizing the department to impose fines, deny a clinic's registration, or revoke a clinic's registration; amending s. 459.013, F.S.; providing that the commission of certain specified acts involving a nonregistered pain-management clinic constitutes a felony of the third degree or a misdemeanor of the first degree; amending s. 459.015, F.S.; providing additional acts that constitute grounds for disciplinary actions against health professional licensees; amending s. 893.055, F.S.; defining the term "program manager"; requiring that the program manager work with certain licensure boards and stakeholders to develop rules; authorizing the program manager to provide relevant information to law enforcement agencies under certain circumstances; amending s. 893.0551, F.S.; providing for disclosure of confidential and exempt information to applicable law enforcement; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1057

Speaker Cretul in the Chair.

Yeas—116

Abruzzo	Fetterman	Kriseman	Roberson, K.
Adams	Fitzgerald	Legg	Roberson, Y.
Adkins	Flores	Llorente	Rogers
Ambler	Ford	Long	Rouson
Anderson	Fresen	Lopez-Cantera	Sachs
Aubuchon	Frishe	Mayfield	Sands
Bembry	Gaetz	McBurney	Saunders
Bernard	Galvano	McKeel	Schenck
Bogdanoff	Garcia	Murzin	Schultz
Bovo	Gibbons	Nehr	Schwartz
Boyd	Gibson	Nelson	Skidmore
Brandenburg	Glorioso	O'Toole	Snyder
Braynon	Gonzalez	Pafford	Soto
Brisé	Grady	Patterson	Stargel
Bullard	Grimsley	Plakon	Steinberg
Burgin	Hasner	Planas	Taylor
Bush	Hays	Poppell	Thompson, G.
Cannon	Heller	Porth	Thompson, N.
Carroll	Holder	Precourt	Thurston
Chestnut	Homan	Proctor	Tobia
Clarke-Reed	Hooper	Rader	Troutman
Cretul	Horner	Randolph	Van Zant
Crisafulli	Hudson	Ray	Weatherford
Cruz	Hukill	Reagan	Weinstein
Culp	Jenne	Reed	Williams, A.
Domino	Jones	Rehwinkel	Williams, T.
Dorworth	Kelly	Renuart	Wood
Drake	Kiar	Rivera	Workman
Evers	Kreegel	Robaina	Zapata

Nays—None

Votes after roll call:

Yeas—Coley, Eisnaugle, Waldman

So the bill passed, as amended, and was immediately certified to the Senate.

CS for CS for CS for SB 694—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; deleting a reference to health insurance in the process for determining a parent's share of an obligation to pay medical support only; providing that an obligor may make child support payments directly to the obligee under certain circumstances; clarifying when income deduction payments are required to be paid to the State Disbursement Unit; amending s. 61.30, F.S.; authorizing the Department of Revenue to submit to the court a written declaration signed under penalty of perjury for the purpose of establishing an obligation for child support; amending s. 382.013, F.S.; providing that if the mother and father of a child marry each other at any time after the child's birth, the Department of Health shall amend the certificate with regard to the parents' marital status as though the parents were married at the

time of birth; amending s. 382.015, F.S.; requiring the Office of Vital Statistics in the Department of Health to prepare and file a new birth certificate that includes the name of the legal father when a final judgment of dissolution of marriage requires the former husband to pay child support for the child; amending s. 382.016, F.S.; requiring the Office of Vital Statistics to amend a child's birth certificate to include the name of the legal father upon receipt of a marriage license that identifies the child as a child of the marriage; amending s. 409.2558, F.S.; requiring the Department of Revenue to process collected funds that are determined to be undistributable in a specified manner; requiring the department to retain as program income de minimis child support collections under \$1; amending s. 409.256, F.S.; changing the term "custodian" to "caregiver" and defining the role of the caregiver; amending s. 409.2563, F.S.; replacing "caretaker relative" with "caregiver" and defining the term; authorizing the Department of Revenue to refer a proceeding to the Division of Administrative Hearings for an evidentiary hearing to determine the support obligation; replacing the term "hearing request" with "proceeding"; amending s. 409.25635, F.S.; authorizing the Department of Revenue to collect noncovered medical expenses in installments by issuing an income deduction notice; amending s. 409.2564, F.S.; removing a provision that encouraged parties to enter into a settlement agreement; conforming cross-references; requiring the department to review child support orders in IV-D cases at least once every 3 years; requiring that the department file a petition to modify support if the review of a support order indicates that the order should be modified; amending s. 409.2567, F.S.; authorizing the Department of Revenue to seek a specified waiver from the United States Department of Health and Human Services if the estimated increase in federal funding to the state derived from the waiver would exceed any additional cost to the state; amending s. 409.259, F.S.; extending the deadline for implementing electronic filing of pleadings and other documents with the clerks of court in Title IV-D cases until completion of the Child Support Automated Management System II; amending s. 409.910, F.S.; requiring the Agency for Health Care Administration to obtain health insurance information from insurers and provide it to the Department of Revenue for use in Title IV-D child support cases; requiring both agencies to enter into a cooperative agreement to implement the requirement; amending s. 414.095, F.S.; conforming a provision to a change made by the act; amending s. 741.01, F.S.; requiring an application for a marriage license to allow both parties to the marriage to state under oath in writing if they are the parents of a child born in this state and to identify any such child they have in common; reenacting ss. 61.14(1)(c) and 61.30(1)(c), F.S., relating to the enforcement and modification of support, maintenance, or alimony agreements or orders and the child support guidelines, respectively, to incorporate the amendments made to s. 409.2564, F.S., in references thereto; providing effective dates.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1058

Speaker Cretul in the Chair.

Yeas—118

Abruzzo	Carroll	Gaetz	Jenne
Adams	Chestnut	Galvano	Jones
Adkins	Clarke-Reed	Garcia	Kelly
Ambler	Cretul	Gibbons	Kiar
Anderson	Crisafulli	Gibson	Kreegel
Aubuchon	Cruz	Glorioso	Kriseman
Bembry	Culp	Gonzalez	Legg
Bernard	Domino	Grady	Llorente
Bogdanoff	Dorworth	Grimsley	Long
Bovo	Drake	Hasner	Lopez-Cantera
Boyd	Eisnaugle	Hays	Mayfield
Brandenburg	Evers	Heller	McBurney
Braynon	Fetterman	Holder	McKeel
Brisé	Fitzgerald	Homan	Murzin
Bullard	Flores	Hooper	Nehr
Burgin	Ford	Horner	Nelson
Bush	Fresen	Hudson	O'Toole
Cannon	Frishe	Hukill	Pafford

Patterson	Rehwinkel Vasilinda	Schultz	Troutman
Plakon	Renuart	Schwartz	Van Zant
Planas	Rivera	Skidmore	Waldman
Poppell	Robaina	Snyder	Weatherford
Porth	Roberson, K.	Soto	Weinstein
Precourt	Roberson, Y.	Stargel	Williams, A.
Proctor	Rogers	Steinberg	Williams, T.
Rader	Rouson	Taylor	Wood
Randolph	Sachs	Thompson, G.	Workman
Ray	Sands	Thompson, N.	Zapata
Reagan	Saunders	Thurston	
Reed	Schenck	Tobia	

Nays—None

Votes after roll call:

Yeas—Coley

So the bill passed and was immediately certified to the Senate.

CS for CS for CS for SB 742—A bill to be entitled An act relating to public safety telecommunicators; amending s. 365.172, F.S.; including dispatching as a function of E911 service; including fees for certification and recertification collected by the Department of Health in authorized expenditures for E911 services; amending s. 401.411, F.S.; revising applicability of certain disciplinary actions and penalties; amending s. 401.465, F.S.; redefining the term "emergency dispatcher" as "public safety telecommunicator"; defining the term "public safety telecommunication training program"; providing requirements for training and certification of a public safety telecommunicator, including fees; requiring certain 911 public safety telecommunicators, sworn state-certified law enforcement officers, or state-certified firefighters to pass an examination administered by the department; requiring the department to establish a procedure for the approval of public safety telecommunication training programs; providing for temporary waiver of certification requirements in an area of the state for which the Governor has declared a state of emergency; providing a declaration of important state interest; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1059

Speaker Cretul in the Chair.

Yeas—116

Abruzzo	Evers	Kreegel	Robaina
Adams	Fetterman	Kriseman	Roberson, K.
Adkins	Fitzgerald	Legg	Roberson, Y.
Ambler	Flores	Llorente	Rogers
Anderson	Ford	Long	Rouson
Aubuchon	Fresen	Lopez-Cantera	Sachs
Bembry	Frishe	Mayfield	Sands
Bernard	Gaetz	McBurney	Saunders
Bogdanoff	Galvano	McKeel	Schenck
Bovo	Garcia	Murzin	Schultz
Boyd	Gibbons	Nehr	Schwartz
Brandenburg	Gibson	Nelson	Skidmore
Braynon	Glorioso	O'Toole	Snyder
Brisé	Gonzalez	Pafford	Soto
Bullard	Grady	Patterson	Stargel
Burgin	Grimsley	Plakon	Steinberg
Bush	Hasner	Planas	Taylor
Cannon	Hays	Poppell	Thompson, G.
Carroll	Heller	Porth	Thompson, N.
Chestnut	Holder	Precourt	Thurston
Clarke-Reed	Homan	Proctor	Tobia
Cretul	Hooper	Rader	Troutman
Crisafulli	Horner	Randolph	Van Zant
Cruz	Hudson	Ray	Waldman
Culp	Hukill	Reagan	Weinstein
Domino	Jenne	Reed	Williams, A.
Dorworth	Jones	Rehwinkel Vasilinda	Williams, T.
Drake	Kelly	Renuart	Wood
Eisnaugle	Kiar	Rivera	Workman

Nays—None

Votes after roll call:

Yeas—Coley

So the bill passed and was immediately certified to the Senate.

SB 1166—A bill to be entitled An act relating to community residential homes; amending s. 393.501, F.S.; prohibiting certain rules adopted by the Agency for Persons with Disabilities from restricting the number of facilities designated as community residential homes located within a planned residential community; amending s. 393.18, F.S.; authorizing the agency to issue a license as a comprehensive transitional education program to serve children who have severe behavioral conditions; amending s. 419.001, F.S.; defining the term "planned residential community"; providing that community residential homes located within a planned residential community may be contiguous to one another; providing an effective date.

—was read the third time by title.

Representative Heller offered the following:

(Amendment Bar Code: 166031)

Amendment 4—Remove line 148 and insert:
appropriate land use, zoning, and building codes and certification from the Agency for Health Care Administration that the federal Centers for Medicare and Medicaid Services shall declare that any Medicaid Waiver services provided in the community are eligible for reimbursement, subject to the availability of funds and compliance with all applicable regulations. A planned

Rep. Heller moved the adoption of the amendment, which failed to receive the required two-thirds vote for adoption.

The question recurred on the passage of SB 1166. The vote was:

Session Vote Sequence: 1060

Speaker Cretul in the Chair.

Yeas—65

Adams	Fresen	Mayfield	Roberson, K.
Adkins	Frishe	McBurney	Schenck
Ambler	Gaetz	McKeel	Schultz
Anderson	Glorioso	Murzin	Snyder
Aubuchon	Gonzalez	Nehr	Stargel
Burgin	Grady	Nelson	Thompson, N.
Cannon	Grimsley	O'Toole	Tobia
Cretul	Hasner	Patterson	Troutman
Crisafulli	Hays	Plakon	Van Zant
Culp	Holder	Planas	Weinstein
Domino	Homan	Poppell	Williams, T.
Dorworth	Horner	Porth	Wood
Drake	Hukill	Precourt	Workman
Eisnaugle	Kelly	Proctor	Zapata
Evers	Kreegel	Ray	
Flores	Legg	Renuart	
Ford	Llorente	Robaina	

Nays—47

Abruzzo	Clarke-Reed	Jones	Rogers
Bembry	Cruz	Kiar	Rouson
Bernard	Fetterman	Kriseman	Sachs
Boyd	Fitzgerald	Long	Sands
Brandenburg	Garcia	Lopez-Cantera	Saunders
Braynon	Gibbons	Pafford	Schwartz
Brisé	Gibson	Rader	Skidmore
Bullard	Heller	Randolph	Soto
Bush	Hooper	Reed	Steinberg
Carroll	Hudson	Rehwinkel Vasilinda	Taylor
Chestnut	Jenne	Roberson, Y.	Thompson, G.

Thurston Waldman Williams, A.

Votes after roll call:

Yeas—Bovo, Coley

So the bill passed, as amended, and was immediately certified to the Senate.

CS for CS for SB 434—A bill to be entitled An act relating to suicide prevention education; amending s. 14.20195, F.S.; deleting references to inactive organizations represented by members of the Suicide Prevention Coordinating Council and replacing with active organizations; amending s. 1006.07, F.S.; requiring that district school boards provide access to suicide prevention educational resources to all instructional and administrative personnel as part of the school district professional development system; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1061

Speaker Cretul in the Chair.

Yeas—110

Abruzzo	Fetterman	Legg	Roberson, Y.
Adams	Flores	Llorente	Rogers
Adkins	Ford	Long	Rouson
Ambler	Fresen	Lopez-Cantera	Sachs
Anderson	Frishe	Mayfield	Sands
Aubuchon	Gaetz	McBurney	Saunders
Bembry	Garcia	Murzin	Schultz
Bernard	Gibbons	Nehr	Schwartz
Bogdanoff	Gibson	Nelson	Skidmore
Bovo	Glorioso	O'Toole	Snyder
Boyd	Gonzalez	Pafford	Soto
Brandenburg	Grady	Patterson	Steinberg
Braynon	Grimsley	Plakon	Taylor
Brisé	Hasner	Planas	Thompson, G.
Bullard	Hays	Poppell	Thompson, N.
Burgin	Heller	Porth	Thurston
Bush	Holder	Precourt	Tobia
Cannon	Homan	Proctor	Troutman
Carroll	Hooper	Rader	Van Zant
Chestnut	Horner	Randolph	Waldman
Clarke-Reed	Hudson	Ray	Weinstein
Crisafulli	Hukill	Reagan	Williams, A.
Cruz	Jenne	Reed	Williams, T.
Domino	Jones	Rehwinkel Vasilinda	Wood
Dorworth	Kelly	Renuart	Workman
Drake	Kiar	Rivera	Zapata
Eisnaugle	Kreegel	Robaina	
Evers	Kriseman	Roberson, K.	

Nays—None

Votes after roll call:

Yeas—Coley, Cretul, Culp, Fitzgerald, McKeel, Stargel

Yeas to Nays—Fitzgerald, Fitzgerald

Nays to Yeas—Fitzgerald, Fitzgerald

So the bill passed and was immediately certified to the Senate.

SB 12—A bill to be entitled An act for the relief of Stephen Hall; providing an appropriation to compensate Stephen Hall for injuries sustained as a result of the negligence of an employee of the Department of Transportation; providing a limitation of the payment of fees and costs; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1062

Speaker Cretul in the Chair.

Yeas—112

Abruzzo	Eisnaugle	Kriseman	Roberson, K.
Adams	Evers	Legg	Roberson, Y.
Adkins	Fetterman	Llorente	Rogers
Ambler	Fitzgerald	Long	Rouson
Anderson	Flores	Lopez-Cantera	Sachs
Aubuchon	Ford	Mayfield	Sands
Bembry	Fresen	McBurney	Saunders
Bernard	Frishe	McKeel	Schenck
Bogdanoff	Garcia	Murzin	Schultz
Bovo	Gibbons	Nehr	Schwartz
Boyd	Gibson	O'Toole	Skidmore
Brandenburg	Glorioso	Pafford	Snyder
Braynon	Gonzalez	Patterson	Soto
Brisé	Grimsley	Plakon	Stargel
Bullard	Hasner	Planas	Steinberg
Burgin	Hays	Poppell	Taylor
Bush	Heller	Porth	Thompson, G.
Cannon	Holder	Precourt	Thompson, N.
Carroll	Homan	Proctor	Thurston
Chestnut	Hooper	Rader	Tobia
Clarke-Reed	Horner	Randolph	Troutman
Cretul	Hudson	Ray	Van Zant
Crisafulli	Hukill	Reagan	Waldman
Cruz	Jenne	Reed	Weinstein
Culp	Jones	Rehwinkel Vasilinda	Williams, A.
Domino	Kelly	Renuart	Williams, T.
Dorworth	Kiar	Rivera	Workman
Drake	Kreegel	Robaina	Zapata

Nays—3

Gaetz	Grady	Wood
-------	-------	------

Votes after roll call:

Yeas—Coley

So the bill passed and was immediately certified to the Senate.

CS for SB 30—A bill to be entitled An act for the relief of Lois H. Lacava by the Munroe Regional Health System, Inc.; providing for an appropriation to compensate her for injuries sustained as a result of the negligence of the Munroe Regional Medical Center; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1063

Speaker Cretul in the Chair.

Yeas—112

Abruzzo	Culp	Homer	Porth
Adams	Domino	Hudson	Precourt
Adkins	Dorworth	Hukill	Proctor
Ambler	Drake	Jenne	Rader
Anderson	Eisnaugle	Jones	Randolph
Aubuchon	Evers	Kelly	Ray
Bembry	Fetterman	Kiar	Reagan
Bernard	Fitzgerald	Kreegel	Reed
Bogdanoff	Flores	Kriseman	Rehwinkel Vasilinda
Bovo	Ford	Legg	Renuart
Boyd	Fresen	Llorente	Rivera
Brandenburg	Frishe	Long	Robaina
Braynon	Garcia	Lopez-Cantera	Roberson, K.
Brisé	Gibbons	Mayfield	Roberson, Y.
Bullard	Gibson	McBurney	Rogers
Burgin	Glorioso	McKeel	Rouson
Bush	Gonzalez	Murzin	Sachs
Cannon	Grimsley	Nehr	Sands
Carroll	Hasner	Nelson	Saunders
Chestnut	Hays	O'Toole	Schenck
Clarke-Reed	Heller	Pafford	Schultz
Cretul	Holder	Patterson	Schwartz
Crisafulli	Homan	Plakon	Skidmore
Cruz	Hooper	Poppell	Snyder

Soto	Thompson, G.	Troutman	Williams, A.
Stargel	Thompson, N.	Van Zant	Williams, T.
Steinberg	Thurston	Waldman	Workman
Taylor	Tobia	Weinstein	Zapata

Nays—3

Gaetz	Grady	Wood
-------	-------	------

Votes after roll call:

Yeas—Coley, Planas

So the bill passed and was immediately certified to the Senate.

CS for SB 46 was temporarily postponed.

CS for SB 50—A bill to be entitled An act for the relief of Madonna Castillo by the City of Hialeah; providing for an appropriation to compensate her for injuries and damages that she sustained as a result of the negligence of the City of Hialeah; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1064

Speaker Cretul in the Chair.

Yeas—113

Abruzzo	Evers	Llorente	Rogers
Adams	Fetterman	Long	Rouson
Adkins	Fitzgerald	Lopez-Cantera	Sachs
Ambler	Flores	Mayfield	Sands
Anderson	Ford	McBurney	Saunders
Aubuchon	Fresen	McKeel	Schenck
Bembry	Frishe	Murzin	Schultz
Bernard	Garcia	Nehr	Schwartz
Bogdanoff	Gibbons	Nelson	Skidmore
Bovo	Gibson	O'Toole	Snyder
Boyd	Glorioso	Pafford	Soto
Brandenburg	Gonzalez	Patterson	Stargel
Braynon	Grimsley	Plakon	Steinberg
Brisé	Hasner	Planas	Taylor
Bullard	Hays	Poppell	Thompson, G.
Burgin	Heller	Porth	Thompson, N.
Bush	Holder	Precourt	Thurston
Cannon	Homan	Proctor	Tobia
Carroll	Hooper	Rader	Troutman
Chestnut	Horner	Randolph	Van Zant
Clarke-Reed	Hudson	Ray	Waldman
Cretul	Hukill	Reagan	Weinstein
Crisafulli	Jenne	Reed	Williams, A.
Cruz	Jones	Rehwinkel Vasilinda	Williams, T.
Culp	Kelly	Renuart	Workman
Domino	Kiar	Rivera	Zapata
Dorworth	Kreegel	Robaina	
Drake	Kriseman	Roberson, K.	
Eisnaugle	Legg	Roberson, Y.	

Nays—3

Gaetz	Grady	Wood
-------	-------	------

Votes after roll call:

Yeas—Coley

So the bill passed and was immediately certified to the Senate.

SB 54—A bill to be entitled An act for the relief of Erskin Bell, II, by the City of Altamonte Springs; providing an appropriation to compensate him for injuries and damages sustained as the result of negligence by the City of Altamonte Springs; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1065

Speaker Cretul in the Chair.

Yeas—111

Abruzzo	Eisnaugle	Legg	Roberson, Y.
Adams	Evers	Llorente	Rogers
Adkins	Fetterman	Long	Rouson
Ambler	Flores	Lopez-Cantera	Sachs
Anderson	Ford	Mayfield	Sands
Aubuchon	Fresen	McBurney	Saunders
Bembry	Frishe	McKeel	Schenck
Bernard	Garcia	Murzin	Schultz
Bogdanoff	Gibbons	Nehr	Schwartz
Bovo	Gibson	Nelson	Skidmore
Boyd	Glorioso	O'Toole	Snyder
Brandenburg	Gonzalez	Pafford	Soto
Braynon	Grimsley	Patterson	Stargel
Brisé	Hasner	Plakon	Steinberg
Bullard	Hays	Planas	Taylor
Burgin	Heller	Poppell	Thompson, G.
Bush	Holder	Porth	Thompson, N.
Cannon	Homan	Precourt	Thurston
Carroll	Hooper	Proctor	Tobia
Chestnut	Horner	Rader	Troutman
Clarke-Reed	Hudson	Randolph	Van Zant
Cretul	Hukill	Ray	Waldman
Crisafulli	Jenne	Reagan	Weinstein
Cruz	Jones	Reed	Williams, A.
Culp	Kelly	Rehwinkel Vasilinda	Williams, T.
Domino	Kiar	Renuart	Workman
Dorworth	Kreegel	Rivera	Zapata
Drake	Kriseman	Roberson, K.	

Nays—3

Gaetz Grady Wood

Votes after roll call:

Yeas—Coley, Fitzgerald, Robaina

So the bill passed and was immediately certified to the Senate.

CS for SB 60—A bill to be entitled An act for the relief of Pierreisna Archille; providing an appropriation to compensate Pierreisna Archille, a mentally disabled person, by and through Darlene Achille, Limited Guardian of Property for Pierreisna Archille, for injuries and damages sustained as a result of the negligence of employees of the Department of Children and Family Services; providing for reversion of funds; providing a limitation on the payment of attorney's fees, lobbying fees, costs, and other similar expenses relating to the claim; providing an effective date.

—was read the third time by title.

Representative Nehr offered the following:

(Amendment Bar Code: 204693)

Amendment 1—Remove lines 96-97 and insert:

Section 2. (1) There is appropriated from the Federal Grants Trust Fund within the Department of Children and Family Services

Rep. Nehr moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS for SB 60. The vote was:

Session Vote Sequence: 1066

Speaker Cretul in the Chair.

Yeas—110

Abruzzo	Eisnaugle	Llorente	Roberson, Y.
Adams	Evers	Long	Rogers
Adkins	Fetterman	Lopez-Cantera	Sachs
Ambler	Flores	Mayfield	Sands
Anderson	Ford	McBurney	Saunders
Aubuchon	Fresen	McKeel	Schenck
Bembry	Frishe	Murzin	Schultz
Bernard	Garcia	Nehr	Schwartz
Bogdanoff	Gibbons	Nelson	Skidmore
Bovo	Gibson	O'Toole	Snyder
Boyd	Glorioso	Pafford	Soto
Brandenburg	Gonzalez	Patterson	Stargel
Braynon	Grimsley	Plakon	Steinberg
Brisé	Hasner	Planas	Taylor
Bullard	Hays	Poppell	Thompson, G.
Burgin	Heller	Porth	Thompson, N.
Bush	Holder	Precourt	Thurston
Cannon	Homan	Proctor	Tobia
Carroll	Hooper	Rader	Troutman
Chestnut	Horner	Randolph	Van Zant
Clarke-Reed	Hudson	Ray	Waldman
Cretul	Hukill	Reagan	Weinstein
Crisafulli	Jones	Reed	Williams, A.
Cruz	Kelly	Rehwinkel Vasilinda	Williams, T.
Culp	Kiar	Renuart	Workman
Domino	Kreegel	Rivera	Zapata
Dorworth	Kriseman	Robaina	
Drake	Legg	Roberson, K.	

Nays—3

Gaetz Grady Wood

Votes after roll call:

Yeas—Coley, Fitzgerald

So the bill passed, as amended, and was immediately certified to the Senate.

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 1067].

Remarks

The Speaker recognized Rep. Galvano, who made brief farewell remarks.

On motion by Rep. Galvano, the House agreed to advance to the order of business of—

Special Orders

CS for CS for SB 2176—A bill to be entitled An act relating to insurance; creating s. 624.46223, F.S.; prohibiting an association, fund, or pool created for the purpose of forming or managing a risk management mechanism or providing self-insurance for a public entity from requiring its members to give more than 60 days' notice of the member's intention to withdraw from the association, fund, or pool; amending s. 627.062, F.S.; exempting certain categories or types of insurance and types of commercial lines risks from certain rate requirements; requiring that insurers or rating organizations establish and use rates, rating schedules, or rating manuals allowing for a reasonable rate of return on certain insurance and risks; requiring that an insurer notify the Office of Insurance Regulation of any changes to rates for certain insurance and risks; requiring that such notice contain certain information; requiring that an insurer maintain certain information; providing that such information is subject to examination by the office; requiring that the office consider certain rate factors and standards when examining such information for the purpose of determining whether the rate is excessive, inadequate, or unfairly discriminatory; requiring that a rating organization provide notice to the office of any changes to loss cost for certain types of insurance within a specified period after such change; providing requirements for such notification; requiring that a rating organization maintain certain information; providing that such information is subject to examination by the office; requiring that specified rate factors and standards be used in such

examination; authorizing the office, when reviewing a rate, to require that an insurer provide certain information at the insurer's expense; amending s. 627.0651, F.S.; exempting commercial motor vehicle insurance from certain motor vehicle insurance rate requirements; prohibiting certain insurance rates from being excessive, inadequate, or unfairly discriminatory; requiring that insurers or rating organizations establish and use rates, rating schedules, or rating manuals allowing for a reasonable rate of return on certain insurance and risks; requiring that an insurer notify the office of any changes to rates for certain insurance and risks; requiring that such notice contain certain information; requiring that an insurer maintain certain information; providing that such information is subject to examination by the office; requiring that the office consider certain rate factors and standards when examining such information for the purpose of determining whether the rate is excessive, inadequate, or unfairly discriminatory; requiring that a rating organization provide notice to the office of any changes to loss cost for certain types of insurance within a specified period after such change; providing requirements for such notification; requiring that a rating organization maintain certain information; providing that such information is subject to examination by the office; requiring that specified rate factors and standards be used in such examination; authorizing the office, when reviewing a rate, to require that an insurer provide certain information at the insurer's expense; providing an effective date.

—was read the second time by title.

Representative Eisnagle offered the following:

(Amendment Bar Code: 003835)

Amendment 1 (with title amendment)—Between lines 68 and 69, insert:

Section 1. Subsection (2) of section 30.2905, Florida Statutes, is amended to read:

30.2905 Program to contract for employment of off-duty deputies for security services.—

(2)(a) Any such public or private employer of a deputy sheriff shall be responsible for the acts or omissions of the deputy sheriff while performing services for that employer while off duty, including workers' compensation benefits.

(b) However, for the workers' compensation purposes of this section:

1. A deputy sheriff so employed who sustains an injury while enforcing the criminal, traffic, or penal laws of this state shall be regarded as working on duty.

2. The term "enforcing the criminal, traffic, or penal laws of this state" shall be interpreted to include, but is not limited to, providing security, patrol, or traffic direction for a private or public employer.

3. A sheriff may recover from a private or public employer of an off-duty deputy sheriff, who is regarded as working on duty under this paragraph, any increase in the sheriff's workers' compensation expenses which results directly from the off-duty employment.

Section 2. Section 112.18, Florida Statutes, is amended to read:

112.18 Firefighters and law enforcement or correctional officers; special provisions relative to disability.—

(1)(a) Any condition or impairment of health of any Florida state, municipal, county, port authority, special tax district, or fire control district firefighter or any law enforcement officer, ~~or~~ correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), or (3) caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death shall be presumed to have been accidental and to have been suffered in the line of duty unless the contrary be shown by competent evidence. However, any such firefighter or law enforcement officer must ~~shall~~ have successfully passed a physical examination upon entering into any such service as a firefighter or law enforcement officer, which examination failed to reveal any evidence of any such condition. Such presumption does ~~shall~~ not apply to benefits payable under or granted in a policy of life insurance or disability insurance, unless the insurer and insured have negotiated for such additional benefits to be included in the policy contract.

(b)1. For any workers' compensation claim filed under this section and chapter 440 occurring on or after July 1, 2010, a law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), or (3) suffering from tuberculosis, heart disease, or hypertension is presumed not to have incurred such disease in the line of duty as provided in this section if the law enforcement officer, correctional officer, or correctional probation officer:

a. Departed in a material fashion from the prescribed course of treatment of his or her personal physician and the departure is demonstrated to have resulted in a significant aggravation of the tuberculosis, heart disease, or hypertension resulting in disability or increasing the disability or need for medical treatment; or

b. Was previously compensated pursuant to this section and chapter 440 for tuberculosis, heart disease, or hypertension and thereafter sustains and reports a new compensable workers' compensation claim under this section and chapter 440, and the law enforcement officer, correctional officer, or correctional probation officer has departed in a material fashion from the prescribed course of treatment of an authorized physician for the preexisting workers' compensation claim and the departure is demonstrated to have resulted in a significant aggravation of the tuberculosis, heart disease, or hypertension resulting in disability or increasing the disability or need for medical treatment.

2. As used in this paragraph, "prescribed course of treatment" means prescribed medical courses of action and prescribed medicines for the specific disease or diseases claimed and as documented in the prescribing physician's medical records.

3. If there is a dispute as to the appropriateness of the course of treatment prescribed by a physician under sub-subparagraph 1.a. or sub-subparagraph 1.b. or whether a departure in a material fashion from the prescribed course of treatment is demonstrated to have resulted in a significant aggravation of the tuberculosis, heart disease, or hypertension resulting in disability or increasing the disability or need for medical treatment, the law enforcement officer, correctional officer, or correctional probation officer is entitled to seek an independent medical examination pursuant to s. 440.13(5).

4. A law enforcement officer, correctional officer, or correctional probation officer is not entitled to the presumption provided in this section unless a claim for benefits is made prior to or within 180 days after leaving the employment of the employing agency.

(2) This section authorizes each governmental entity specified in subsection (1) shall be construed to authorize the above governmental entities to negotiate policy contracts for life and disability insurance to include accidental death benefits or double indemnity coverage which shall include the presumption that any condition or impairment of health of any firefighter, law enforcement officer, or correctional officer caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death was accidental and suffered in the line of duty, unless the contrary be shown by competent evidence.

TITLE AMENDMENT

Remove line 2 and insert:

An act relating to insurance; amending s. 30.2905, F.S.; providing for interpretation of provisions relating to workers' compensation benefits for certain services performed by off-duty deputy sheriffs; providing for recovery by sheriffs of increased workers' compensation expenses due to off-duty employment of deputy sheriffs; amending s. 112.18, F.S.; providing conditions under which a law enforcement officer, correctional officer, or correctional probation officer who suffers from a specified medical condition and has materially departed from the prescribed treatment for that condition shall lose a specified presumption for workers' compensation claims made on or after a specified date; defining the term "prescribed course of treatment"; providing for independent medical examinations in certain situations; providing that only claims made before or within a specified period after leaving employment are eligible for a specified presumption; creating s. 624.46223,

Rep. Eisnagle moved the adoption of the amendment.

On motion by Rep. Eisnaugle, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative Eisnaugle offered the following:

(Amendment Bar Code: 054589)

Amendment 1 to Amendment 1 (with title amendment)—Remove lines 22-26 and insert:

3. A sheriff may include the sheriff's proportionate costs of workers' compensation premiums for the off-duty deputy sheriffs providing such services.

TITLE AMENDMENT

Remove lines 113-115 and insert:

performed by off-duty deputy sheriffs; authorizing sheriffs to include certain proportionate costs of workers' compensation premiums for off-duty deputy sheriffs providing certain services;

Rep. Eisnaugle moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Representative Bogdanoff offered the following:

(Amendment Bar Code: 535867)

Amendment 2 (with title amendment)—Between lines 199 and 200, insert:

Section 4. Subsection (3) is added to section 626.9541, Florida Statutes, to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(3) INPATIENT FACILITY NETWORK.—This section may not be construed to prohibit a Medicare supplement insurer from granting a premium credit to insureds for using an in-network inpatient facility.

Section 5. Subsection (6) is added to section 627.6741, Florida Statutes, to read:

627.6741 Issuance, cancellation, nonrenewal, and replacement.—

(6) An insurer offering a Medicare supplement policy under this part is not prohibited from entering into an agreement through a network with inpatient facilities that agree to waive the Medicare Part A deductible in whole or in part. An insurer is not required to file a copy of the network agreement with, and such network agreements are not subject to approval of, the office.

Section 6. Subsection (8) is added to section 627.6745, Florida Statutes, to read:

627.6745 Loss ratio standards; public rate hearings.—

(8) For an insurer that enters into a network agreement pursuant to s. 627.6741(6), the waiver of the Medicare Part A deductible and premium credit shall be factored into the insurer's loss-ratio calculation and policy premium.

TITLE AMENDMENT

Remove line 64 and insert:

information at the insurer's expense; amending s. 626.9541, F.S.; prohibiting construction to prevent a Medicare supplement insurer from granting a premium credit to insureds under certain circumstances; amending s. 627.6741, F.S.; specifying absence of a prohibition against certain Medicare supplement policy insurers from entering into agreements through a network with certain facilities; specifying absence of a requirement to file certain contracts with the Office of Insurance Regulation; amending s. 627.6745,

F.S.; requiring certain insurers to factor certain deductibles and premium credits into loss-ratio calculation and policy premiums; providing an

Rep. Bogdanoff moved the adoption of the amendment, which was adopted.

Representative Kelly offered the following:

(Amendment Bar Code: 842183)

Amendment 3 (with title amendment)—Remove line 200 and insert:

Section 4. Effective upon this act becoming a law, paragraph (b) of subsection (1) of section 628.4615, Florida Statutes, is amended to read:

628.4615 Specialty insurers; acquisition of controlling stock, ownership interest, assets, or control; merger or consolidation.—

(1) For the purposes of this section, the term "specialty insurer" means any person holding a license or certificate of authority as:

(b) A home warranty association authorized to issue "home warranties" as those terms are defined in s. 634.301(3) and (4);

Section 5. Effective upon this act becoming a law, subsection (8) of section 634.011, Florida Statutes, is amended to read:

634.011 Definitions.—As used in this part, the term:

(8) "Motor vehicle service agreement" or "service agreement" means any contract or agreement indemnifying the service agreement holder for the motor vehicle listed on the service agreement and arising out of the ownership, operation, and use of the motor vehicle against loss caused by failure of any mechanical or other component part, or any mechanical or other component part that does not function as it was originally intended; however, nothing in this part shall prohibit or affect the giving, free of charge, of the usual performance guarantees by manufacturers or dealers in connection with the sale of motor vehicles. Transactions exempt under s. 624.125 are expressly excluded from this definition and are exempt from the provisions of this part. Service agreements that are sold to persons other than consumers and that cover motor vehicles used for commercial purposes are excluded from this definition and are exempt from regulation under the Florida Insurance Code. The term "motor vehicle service agreement" includes any contract or agreement that provides:

(a) For the coverage or protection defined in this subsection and which is issued or provided in conjunction with an additive product applied to the motor vehicle that is the subject of such contract or agreement;

(b) For payment of vehicle protection expenses.

1.a. "Vehicle protection expenses" means a preestablished flat amount payable for the loss of or damage to a vehicle or expenses incurred by the service agreement holder for loss or damage to a covered vehicle, including, but not limited to, applicable deductibles under a motor vehicle insurance policy; temporary vehicle rental expenses; expenses for a replacement vehicle that is at least the same year, make, and model of the stolen motor vehicle; sales taxes or registration fees for a replacement vehicle that is at least the same year, make, and model of the stolen vehicle; or other incidental expenses specified in the agreement.

b. "Vehicle protection product" means a product or system installed or applied to a motor vehicle or designed to prevent the theft of the motor vehicle or assist in the recovery of the stolen motor vehicle.

2. Vehicle protection expenses shall be payable in the event of loss or damage to the vehicle as a result of the failure of the vehicle protection product to prevent the theft of the motor vehicle or to assist in the recovery of the stolen motor vehicle. Vehicle protection expenses covered under the agreement shall be clearly stated in the service agreement form, unless the agreement provides for the payment of a preestablished flat amount, in which case the service agreement form shall clearly identify such amount.

3. Motor vehicle service agreements providing for the payment of vehicle protection expenses shall either:

a. Reimburse a service agreement holder for the following expenses, at a minimum: deductibles applicable to comprehensive coverage under the service agreement holder's motor vehicle insurance policy; temporary vehicle rental expenses; sales taxes and registration fees on a replacement vehicle that

is at least the same year, make, and model of the stolen motor vehicle; and the difference between the benefits paid to the service agreement holder for the stolen vehicle under the service agreement holder's comprehensive coverage and the actual cost of a replacement vehicle that is at least the same year, make, and model of the stolen motor vehicle; or

b. Pay a preestablished flat amount to the service agreement holder.

Payments shall not duplicate any benefits or expenses paid to the service agreement holder by the insurer providing comprehensive coverage under a motor vehicle insurance policy covering the stolen motor vehicle; however, the payment of vehicle protection expenses at a preestablished flat amount of \$5,000 or less does not duplicate any benefits or expenses payable under any comprehensive motor vehicle insurance policy; or

(c)1. For the payment for paintless dent-removal services provided by a company whose primary business is providing such services.

2. "Paintless dent-removal" means the process of removing dents, dings, and creases, including hail damage, from a vehicle without affecting the existing paint finish, but does not include services that involve the replacement of vehicle body panels or sanding, bonding, or painting.

Section 6. Effective upon this act becoming a law, subsection (7) is added to section 634.031, Florida Statutes, to read:

634.031 License required.—

(7) Any person who violates this section commits, in addition to any other violation, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 7. Effective upon this act becoming a law, paragraph (b) of subsection (8) and paragraph (b) of subsection (11) of section 634.041, Florida Statutes, are amended to read:

634.041 Qualifications for license.—To qualify for and hold a license to issue service agreements in this state, a service agreement company must be in compliance with this part, with applicable rules of the commission, with related sections of the Florida Insurance Code, and with its charter powers and must comply with the following:

(8)

(b) A service agreement company does not have to establish and maintain an unearned premium reserve if it purchases and maintains contractual liability insurance in accordance with the following:

1. The insurance covers 100 percent of its claim exposure and is obtained from an insurer approved by the office which holds a certificate of authority to do business within this state.

2. If the service agreement company does not meet its contractual obligations, the contractual liability insurance policy binds its issuer to pay or cause to be paid to the service agreement holder all legitimate claims and cancellation refunds for all service agreements issued by the service agreement company while the policy was in effect. This requirement also applies to those service agreements for which no premium has been remitted to the insurer.

3. If the issuer of the contractual liability policy is fulfilling the service agreements covered by the contractual liability policy and the service agreement holder cancels the service agreement, the issuer must make a full refund of unearned premium to the consumer, subject to the cancellation fee provisions of s. 634.121(3)(~~5~~). The sales representative and agent must refund to the contractual liability policy issuer their unearned pro rata commission.

4. The policy may not be canceled, terminated, or nonrenewed by the insurer or the service agreement company unless a 90-day written notice thereof has been given to the office by the insurer before the date of the cancellation, termination, or nonrenewal.

5. The service agreement company must provide the office with the claims statistics.

All funds or premiums remitted to an insurer by a motor vehicle service agreement company under this part shall remain in the care, custody, and control of the insurer and shall be counted as an asset of the insurer; provided, however, this requirement does not apply when the insurer and the motor vehicle service agreement company are affiliated companies and members of an insurance holding company system. If the motor vehicle service agreement company chooses to comply with this paragraph but also

maintains a reserve to pay claims, such reserve shall only be considered an asset of the covered motor vehicle service agreement company and may not be simultaneously counted as an asset of any other entity.

(11)

(b) Notwithstanding any other requirement of this part, a service agreement company maintaining an unearned premium reserve on all service agreements in accordance with paragraph (8)(a) may offer service agreements providing vehicle protection expenses if it maintains contractual liability insurance only on all service agreements providing vehicle protection expenses and continues to maintain the 50-percent reserve for all service agreements not providing vehicle protection expenses. A service agreement company maintaining contractual liability insurance for all service agreements providing vehicle protection expenses and the 50-percent reserve for all other service agreements must, in the service agreement register as required under s. 634.136(2)(~~4~~), distinguish between insured service agreements providing vehicle protection expenses and service agreements not providing vehicle protection expenses.

Section 8. Effective upon this act becoming a law, paragraph (d) is added to subsection (3) of section 634.095, Florida Statutes, and subsection (7) is added to that section, to read:

634.095 Prohibited acts.—Any service agreement company or salesperson that engages in one or more of the following acts is, in addition to any applicable denial, suspension, revocation, or refusal to renew or continue any appointment or license, guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083:

(3) Issuing or causing to be issued any advertisement which:

(d) Is false, deceptive, or misleading with respect to:

1. The service agreement company's affiliation with a motor vehicle manufacturer;

2. The service agreement company's possession of information regarding a motor vehicle owner's current motor vehicle manufacturer's original equipment warranty;

3. The expiration of a motor vehicle owner's current motor vehicle manufacturer's original equipment warranty; or

4. Any requirement that the motor vehicle owner register for a new motor vehicle service agreement with the company in order to maintain coverage under the current motor vehicle service agreement or manufacturer's original equipment warranty.

(7) Remitting premiums received on motor vehicle service agreements sold to any person other than the licensed service agreement company that is obligated to perform under such agreement, if the agreement between such company and the salesperson requires that premiums be submitted directly to the service agreement company.

Section 9. Effective upon this act becoming a law, section 634.121, Florida Statutes, is amended to read:

634.121 ~~Filing of Forms~~, required procedures, provisions.—

~~(1) A service agreement form or related form may not be issued or used in this state unless it has been filed with and approved by the office. Upon application for a license, the office shall require the applicant to submit for approval each brochure, pamphlet, circular, form letter, advertisement, or other sales literature or advertising communication addressed or intended for distribution. The office shall disapprove any document which is untrue, deceptive, or misleading or which contains misrepresentations or omissions of material facts.~~

~~(a) After an application has been approved, a licensee is not required to submit brochures or advertisement to the office for approval; however, a licensee may not have published, and a person may not publish, any brochure or advertisement which is untrue, deceptive, or misleading or which contains misrepresentations or omissions of material fact.~~

~~(b) For purposes of this section, brochures and advertising includes, but is not limited to, any report, circular, public announcement, certificate, or other printed matter or advertising material which is designed or used to solicit or induce any persons to enter into any motor vehicle service agreement.~~

~~(c) The office shall disapprove any service agreement form providing vehicle protection expenses which does not clearly indicate either the method for calculating the benefit to be paid or provided to the service agreement holder or the preestablished flat amount payable pursuant to the terms of the~~

~~service agreement. All service agreement forms providing vehicle protection expenses shall clearly indicate the term of the service agreement, whether new or used cars are eligible for the vehicle protection product, and that the service agreement holder may not make any claim against the Florida Insurance Guarantee Association for vehicle protection expenses. The service agreement shall be provided to a service agreement holder on a form that provides only vehicle protection expenses. A service agreement form providing vehicle protection expenses must state that the service agreement holder must have in force at the time of loss comprehensive motor vehicle insurance coverage as a condition precedent to requesting payment of vehicle protection expenses.~~

~~(2) Every filing required under this section must be made not less than 30 days in advance of issuance or use. At the expiration of 30 days from the date of filing, a form so filed becomes approved unless prior thereto it has been affirmatively disapproved by written notice of the office. The office may extend by not more than an additional 15 days the period within which it may affirmatively approve or disapprove any form by giving notice of extension before the expiration of the initial 30-day period. At the expiration of any period as so extended and in the absence of prior affirmative disapproval, the form becomes approved.~~

~~(1)(3) Before the sale of any service agreement, written notice must be given to the prospective purchaser by the service agreement company or its agent or salesperson, on an office approved form, that purchase of the service agreement is not required in order to purchase or obtain financing for a motor vehicle.~~

~~(2)(4) All motor vehicle service agreements are assignable in a consumer transaction and must contain a statement in conspicuous, boldfaced type, informing the purchaser of the service agreement of her or his right to assign it to a subsequent retail purchaser of the motor vehicle covered by the service agreement and all conditions on such right of transfer. The assignment must occur within a period of time specified in the agreement, which period may not expire earlier than 15 days after the date of the sale or transfer of the motor vehicle. The service agreement company may charge an assignment fee not to exceed \$40.~~

~~(3)(5)(a) Each service agreement must contain a cancellation provision. Any service agreement is cancelable by the purchaser within 60 days after purchase. The refund must be 100 percent of the gross premium paid, less any claims paid on the agreement. A reasonable administrative fee may be charged not to exceed 5 percent of the gross premium paid by the agreement holder.~~

~~(b) After the service agreement has been in effect for 60 days, it may not be canceled by the insurer or service agreement company unless:~~

- ~~1. There has been a material misrepresentation or fraud at the time of sale of the service agreement;~~
- ~~2. The agreement holder has failed to maintain the motor vehicle as prescribed by the manufacturer;~~
- ~~3. The odometer has been tampered with or disabled and the agreement holder has failed to repair the odometer; or~~
- ~~4. For nonpayment of premium by the agreement holder, in which case the service agreement company shall provide the agreement holder notice of cancellation by certified mail.~~

If the service agreement is canceled by the insurer or service agreement company, the return of premium must not be less than 100 percent of the paid unearned pro rata premium, less any claims paid on the agreement. If, after 60 days, the service agreement is canceled by the service agreement holder, the insurer or service agreement company shall return directly to the agreement holder not less than 90 percent of the unearned pro rata premium, less any claims paid on the agreement. The service agreement company remains responsible for full refunds to the consumer on canceled service agreements. However, the salesperson and agent are responsible for the refund of the unearned pro rata commission. A service agreement company may effectuate refunds through the issuing salesperson or agent.

~~(4)(6) If the service agreement is canceled, pursuant to an order of liquidation, the salesperson or agent is responsible for refunding, and must refund, to the receiver the unearned pro rata commission.~~

~~(5)(7) If a service agreement company violates any lawful order of the office or fails to meet its contractual obligations under this part, upon notice from the office, the sales representative or agent must refund to the service agreement holder the unearned pro rata commission, unless the sales representative or agent has made other arrangements, satisfactory to the office, with the service agreement holder.~~

~~(6)(8) Each service agreement, which includes a copy of the application form, must be mailed or delivered to the agreement holder within 45 days after the date of purchase.~~

~~(7)(9) Each service agreement form must contain in conspicuous, boldfaced type any statement or clause that places restrictions or limitations on the benefits offered or disclose such restrictions or limitations in regular type in a section of the service agreement containing a conspicuous, boldfaced type heading.~~

~~(8)(10) If an insurer or service agreement company intends to use or require the use of remanufactured or used replacement parts, each service agreement form as well as all service agreement brochures must contain in conspicuous, boldfaced type a statement to that effect.~~

~~(9)(11) Each service agreement form as well as all service agreement company sales brochures must clearly identify the name, address, and Florida license number of the licensed insurer or service agreement company.~~

~~(10)(12) If a service agreement contains a rental car provision, it must disclose the terms and conditions of this benefit in conspicuous, boldfaced type or disclose such restrictions or limitations in regular type in a section of the service agreement containing a conspicuous, boldfaced type heading.~~

~~(11) By July 1, 2011, each service agreement sold in this state must be accompanied by a written disclosure to the consumer that the rate charged for the service agreement is not subject to regulation by the office. A service agreement company may comply with this requirement by including such disclosure in its service agreement form or in a separate written notice provided to the consumer at the time of sale.~~

Section 10. Effective upon this act becoming a law, section 634.1213, Florida Statutes, is amended to read:

634.1213 Noncompliant forms ~~Grounds for disapproval.~~—The office may order a service agreement company to stop using ~~disapprove~~ any service agreement form ~~that or service agreement company sales brochures filed under s. 634.121, or withdraw any previous approval thereof, if the form or brochure:~~

(1) Is in any respect in violation of or does not comply with this part, any applicable provision of the Florida Insurance Code, or any applicable rule of the office ~~commission~~.

(2) Contains or incorporates by reference when such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the service agreement.

(3) Has any title, heading, or other indication of its provisions which is misleading.

(4) Is printed or otherwise reproduced in such manner as to render any material provision of the form substantially illegible.

(5) Contains any provision which is unfair or inequitable or which encourages misrepresentation.

(6) Contains any provision which makes it difficult to determine the actual insurer or service agreement company issuing the form.

(7) Contains any provision for reducing claim payments due to depreciation of parts, except for marine engines.

Section 11. Effective upon this act becoming a law, subsection (1) of section 634.137, Florida Statutes, is amended to read:

634.137 Financial and statistical reporting requirements.—

(1) By March 1 of each year, each service agreement company shall submit to the office annual financial reports on forms prescribed by the commission and furnished by the office ~~as follows:~~

~~(a) Reports for a period ending December 31 are due by March 1.~~

~~(b) Reports for a period ending March 31 are due by May 15.~~

~~(c) Reports for a period ending June 30 are due by August 15.~~

~~(d) Reports for a period ending September 30 are due by November 15.~~

Section 12. Effective upon this act becoming a law, section 634.141, Florida Statutes, is amended to read:

634.141 Examination of companies.—

(1) Motor vehicle service agreement companies licensed under this part ~~may shall~~ be subject to periodic examination by the office in the same manner and subject to the same terms and conditions as applies to insurers under part II of chapter 624. The commission may by rule establish provisions whereby a company may be exempted from examination.

(2) The office shall determine whether to conduct an examination of a company by considering:

(a) The amount of time that the company has been continuously licensed and operating under the same management and control.

(b) The company's history of compliance with applicable law.

(c) The number of consumer complaints against the company.

(d) The financial condition of the company, demonstrated by the financial reports submitted pursuant to s. 634.137.

Section 13. Effective upon this act becoming a law, paragraph (b) of subsection (1) of section 634.1815, Florida Statutes, is amended to read:

634.1815 Rebating; when allowed.—

(1) No salesperson shall rebate any portion of his or her commission except as follows:

(b) The rebate shall be in accordance with a rebating schedule filed with and approved by the salesperson with the service agreement company issuing the service agreement to which the rebate applies. The service agreement company shall maintain a copy of all rebating schedules for a period of 3 years.

Section 14. Effective upon this act becoming a law, subsection (13) of section 634.282, Florida Statutes, is amended, and subsection (17) is added to that section, to read:

634.282 Unfair methods of competition and unfair or deceptive acts or practices defined.—The following methods, acts, or practices are defined as unfair methods of competition and unfair or deceptive acts or practices:

(13) ILLEGAL DEALINGS IN PREMIUMS; EXCESS OR REDUCED CHARGES FOR MOTOR VEHICLE SERVICE AGREEMENTS.—

(a) Knowingly collecting any sum as a premium or charge for a motor vehicle service agreement, which is not then provided, or is not in due course to be provided, subject to acceptance of the risk by a service agreement company or an insurer, by a motor vehicle service agreement issued by a service agreement company or an insurer as permitted by this part.

(b) Knowingly collecting as a premium or charge for a motor vehicle service agreement any sum in excess of or less than the premium or charge applicable to such motor vehicle service agreement, in accordance with the applicable classifications and rates as filed with the office, and as specified in the motor vehicle service agreement. However, there is no violation of this subsection if excess premiums or charges are refunded to the service agreement holder within 45 days after receipt of the agreement by the service agreement company or if the licensed sales representative's commission is reduced by the amount of any premium undercharge.

(17) FAILURE TO PROVIDE TERMS AND CONDITIONS PRIOR TO SALE.—Failing to provide a consumer with a complete sample copy of the terms and conditions of the service agreement prior to the time of sale upon a request for the same by the consumer. A service agreement company may comply with this subsection by providing the consumer with a sample copy of the terms and conditions of the service agreement or by directing the consumer to a website that displays a complete sample of the terms and conditions of the service agreement.

No provision of this section shall be deemed to prohibit a service agreement company or a licensed insurer from giving to service agreement holders, prospective service agreement holders, and others for the purpose of advertising, any article of merchandise having a value of not more than \$25.

Section 15. Effective upon this act becoming a law, section 634.301, Florida Statutes, as amended by section 1 of chapter 2007-235, Laws of Florida, is amended to read:

634.301 Definitions.—As used in this part, the term:

(1) "Gross written premiums" means the total amount of premiums, paid for the entire period of the home warranty, inclusive of commissions, for which the association is obligated under home warranties issued.

(2) ~~"Home improvement" means major remodeling, enclosure of a garage, addition of a room, addition of a pool, and other like items that add value to the~~

~~residential property. The term does not include normal maintenance for items such as painting, reroofing, and other like items subject to normal wear and tear.~~

(2)(3) "Home warranty" or "warranty" means any contract or agreement:

(a) ~~Offered in connection with the sale of residential property;~~

(b) ~~Offered in connection with a loan of \$5,000 or more which is secured by residential property that is the subject of the warranty, but not in connection with the sale of such property;~~

(c) ~~Offered in connection with a home improvement of \$7,500 or more for residential property that is the subject of the warranty, but not in connection with the sale of such property; or~~

(d) ~~Offered in connection with a home inspection service as defined under s. 468.8311(4) or a mold assessment as defined under s. 468.8411(3);~~

whereby a person undertakes to indemnify the warranty holder against the cost of repair or replacement, or actually furnishes repair or replacement, of any structural component or appliance of a home, necessitated by wear and tear or an inherent defect of any such structural component or appliance or necessitated by the failure of an inspection to detect the likelihood of any such loss. However, this part does not prohibit the giving of usual performance guarantees by either the builder of a home or the manufacturer or seller of an appliance, as long as no identifiable charge is made for such guarantee. This part does not permit the provision of indemnification against consequential damages arising from the failure of any structural component or appliance of a home, which practice constitutes the transaction of insurance subject to all requirements of the insurance code. This part does not apply to service contracts entered into between consumers and nonprofit organizations or cooperatives the members of which consist of condominium associations and condominium owners and which perform repairs and maintenance for appliances or maintenance of the residential property. This part does not apply to a contract or agreement offered ~~in connection with a sale of residential property~~ by a warranty association in compliance with part III, provided such contract or agreement only relates to the systems and appliances of the covered residential property and does not cover any structural component of the residential property.

(3)(4) "Home warranty association" means any corporation or any other organization, other than an authorized insurer, issuing home warranties.

(4)(5) "Impaired" means having liabilities in excess of assets.

(5)(6) "Insolvent" means the inability of a corporation to pay its debts as they become due in the usual course of its business.

(6)(7) "Insurance code" means the Florida Insurance Code.

(7)(8) "Insurer" means any property or casualty insurer duly authorized to transact such business in this state.

(8)(9) "Listing period" means the period of time residential property is listed for sale with a licensed real estate broker, beginning on the date the residence is first listed for sale and ending on either the date the sale of the residence is closed, the date the residence is taken off the market, or the date the listing contract with the real estate broker expires.

(9)(10) "Net assets" means the amount by which the total statutory assets of an association exceed the total liabilities of the association.

(10)(11) "Person" includes an individual, company, corporation, association, insurer, agent, and every other legal entity.

(11)(12) "Premium" means the total consideration received, or to be received, by an insurer or home warranty association for or related to the issuance and delivery of any binder or warranty, including any charges designated as assessments or fees for policies, surveys, inspections, or service or any other charges.

(12)(13) "Sales representative" means any person with whom an insurer or home inspection or warranty association has a contract and who is utilized by such insurer or association for the purpose of selling or issuing home warranties. The term includes all employees of an insurer or association engaged directly in the sale or issuance of home warranties.

(13)(14) "Structural component" means the roof, plumbing system, electrical system, foundation, basement, walls, ceilings, or floors of a home.

Section 16. Effective upon this act becoming a law, subsection (4) is added to section 634.303, Florida Statutes, to read:

634.303 License required.—

(4) Any person who provides, offers to provide, or holds oneself out as providing or offering to provide home warranties in this state or from this state without holding a subsisting license commits, in addition to any other violation, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 17. Effective upon this act becoming a law, paragraph (f) of subsection (2) of section 634.308, Florida Statutes, is amended to read:

634.308 Grounds for suspension or revocation of license.—

(2) The license of any home warranty association shall be suspended, revoked, or not renewed if it is determined that such association:

(f) Has issued warranty contracts which renewal contracts provide that the cost of renewal exceeds the then-current cost for new warranty contracts, unless the increase is supported by the claims history or claims cost data, or impose a fee for inspection of the premises.

Section 18. Effective upon this act becoming a law, section 634.312, Florida Statutes, is amended to read:

634.312 Forms; required provisions and procedures ~~Filing; approval of forms.~~—

~~(1) No warranty form or related form shall be issued or used in this state unless it has been filed with and approved by the office. Also upon application for a license, the office shall require the applicant to submit for approval each brochure, pamphlet, circular, form letter, advertisement, or other sales literature or advertising communication addressed or intended for distribution. Approval of the application constitutes approval of such documents, unless the applicant has consented otherwise in writing. The office shall disapprove any document which is untrue, deceptive, or misleading or which contains misrepresentations or omissions of material facts.~~

~~(a) After an application has been approved, a licensee is not required to submit brochures or advertisement to the office for approval; however, a licensee may not have published, and a person may not publish, any brochure or advertisement which is untrue, deceptive, or misleading or which contains misrepresentations or omissions of material fact.~~

~~(b) For purposes of this section, brochures and advertising includes, but is not limited to, any report, circular, public announcement, certificate, or other printed matter or advertising material which is designed or used to solicit or induce any persons to enter into any home warranty agreement.~~

~~(2) Every such filing shall be made not less than 30 days in advance of issuance or use. At the expiration of 30 days from date of filing, a form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by written order of the office.~~

~~(3) The office shall not approve any such form that imposes a fee for inspection of the premises.~~

~~(1)(4)~~ All home warranty contracts are assignable in a consumer transaction and must contain a statement informing the purchaser of the home warranty of her or his right to assign it, at least within 15 days from the date the home is sold or transferred, to a subsequent retail purchaser of the home covered by the home warranty and all conditions on such right of transfer. The home warranty company may charge an assignment fee not to exceed \$40. Home warranty assignments include, but are not limited to, the assignment from a home builder who purchased the home warranty to a subsequent home purchaser.

~~(2)(5)~~ Subject to the insurer's or home warranty association's requirement as to payment of premium, every home warranty shall be mailed or delivered to the warranty holder not later than 45 days after the effectuation of coverage, and the application is part of the warranty contract document.

~~(3)(6)~~ All home warranty contracts must state in conspicuous, boldfaced type that the home warranty may not provide listing period coverage free of charge.

~~(4)(7)~~ All home warranty contracts must disclose any exclusions, restrictions, or limitations on the benefits offered or the coverage provided by the home warranty contract in boldfaced type, and must contain, in boldfaced type, a statement on the front page of the contract substantially similar to the following: "Certain items and events are not covered by this contract. Please refer to the exclusions listed on page ____ of this document."

~~(5)(8)~~ Each home warranty contract shall contain a cancellation provision. Any home warranty agreement may be canceled by the purchaser within 10

days after purchase. The refund must be 100 percent of the gross premium paid, less any claims paid on the agreement. A reasonable administrative fee may be charged, not to exceed 5 percent of the gross premium paid by the warranty agreement holder. After the home warranty agreement has been in effect for 10 days, if the contract is canceled by the warranty holder, a return of premium shall be based upon 90 percent of unearned pro rata premium less any claims that have been paid. If the contract is canceled by the association for any reason other than for fraud or misrepresentation, a return of premium shall be based upon 100 percent of unearned pro rata premium, less any claims paid on the agreement.

(6) By July 1, 2011, each home warranty contract sold in this state must be accompanied by a written disclosure to the consumer that the rate charged for the contract is not subject to regulation by the office. A home warranty association may comply with this requirement by including such disclosure in its home warranty contract form or in a separate written notice provided to the consumer at the time of sale.

Section 19. Effective upon this act becoming a law, section 634.3123, Florida Statutes, is amended to read:

634.3123 Noncompliant Grounds for disapproval of forms.—The office may order a home warranty association to stop using any contract ~~shall disapprove any form that filed under s. 634.312 or withdraw any previous approval if the form:~~

(1) Is in violation of or does not comply with this part.

(2) Contains or incorporates by reference, when such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses or exceptions or conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract.

(3) Has any title, heading, or other indication of its provisions which is misleading.

(4) Is printed or otherwise reproduced in such a manner as to render any material provision of the form illegible.

(5) Provides that the cost of renewal exceeds the then-current cost for new warranty contracts, unless the increase is supported by the claims history or claims cost data, or impose a fee for inspection of the premises.

Section 20. Effective upon this act becoming a law, section 634.314, Florida Statutes, is amended to read:

634.314 Examination of associations.—

(1) Home warranty associations licensed under this part may ~~shall~~ be subject to periodic examinations by the office, in the same manner and subject to the same terms and conditions as apply to insurers under part II of chapter 624 of the insurance code.

(2) The office shall determine whether to conduct an examination of a home warranty association by considering:

(a) The amount of time that the association has been continuously licensed and operating under the same management and control.

(b) The association's history of compliance with applicable law.

(c) The number of consumer complaints against the association.

(d) The financial condition of the association, demonstrated by the financial reports submitted pursuant to s. 634.313.

Section 21. Effective upon this act becoming a law, paragraph (b) of subsection (1) of section 634.3205, Florida Statutes, is amended to read:

634.3205 Rebating; when allowed.—

(1) No sales representative shall rebate any portion of his or her commission except as follows:

(b) The rebate shall be in accordance with a rebating schedule filed with and approved by the sales representative with the home warranty association ~~issuing the home warranty to which the rebate applies.~~ The home warranty association shall maintain a copy of all rebating schedules for a period of 3 years.

Section 22. Effective upon this act becoming a law, subsection (8) of section 634.336, Florida Statutes, is amended, and subsection (9) is added to that section, to read:

634.336 Unfair methods of competition and unfair or deceptive acts or practices defined.—The following methods, acts, or practices are defined as unfair methods of competition and unfair or deceptive acts or practices:

(8) COERCION OF DEBTORS.—When a home warranty is sold ~~as authorized by s. 634.301(3)(b):~~

(a) Requiring, as a condition precedent or condition subsequent to the lending of the money or the extension of the credit or any renewal thereof, that the person to whom such credit is extended purchase a home warranty; or

(b) Failing to provide the advice required by s. 634.344.

(9) FAILURE TO PROVIDE TERMS AND CONDITIONS PRIOR TO SALE.—Failing to provide a consumer with a complete sample copy of the terms and conditions of the home warranty contract prior to the time of sale upon a request for the same by the consumer. A home warranty association may comply with this subsection by providing the consumer with a sample copy of the terms and conditions of the home warranty contract or by directing the consumer to a website that displays a complete sample of the terms and conditions of the contract.

Section 23. Effective upon this act becoming a law, section 634.344, Florida Statutes, is amended to read:

634.344 Coercion of debtor prohibited.—

(1) When a home warranty is sold in connection with the lending of money as authorized by s. 634.301(3)(b), a ~~no~~ person may not require, as a condition precedent or condition subsequent to the lending of the money or the extension of the credit or any renewal thereof, that the person to whom such money or credit is extended purchase a home warranty.

(2) When a home warranty is purchased in connection with the lending of money ~~as authorized by s. 634.301(3)(b)~~, the insurer or home warranty association or the sales representative of the insurer or home warranty association shall advise the borrower or purchaser in writing that Florida law prohibits the lender from requiring the purchase of a home warranty as a condition precedent or condition subsequent to the making of the loan.

Section 24. Effective upon this act becoming a law, subsection (5) of section 634.401, Florida Statutes, is amended to read:

634.401 Definitions.—As used in this part, the term:

(5) "Indemnify" means to undertake repair or replacement of a consumer product, or pay compensation for such repair or replacement by cash, check, store credit, gift card, or other similar means, in return for the payment of a segregated premium, when such consumer product suffers operational failure.

Section 25. Effective upon this act becoming a law, subsection (5) is added to section 634.403, Florida Statutes, to read:

634.403 License required.—

(5) Any person who provides, offers to provide, or holds oneself out as providing or offering to provide a service warranty in this state or from this state without holding a subsisting license commits, in addition to any other violation, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 26. Effective upon this act becoming a law, paragraph (e) of subsection (3) of section 634.406, Florida Statutes, is amended to read:

634.406 Financial requirements.—

(3) An association will not be required to establish an unearned premium reserve if it has purchased contractual liability insurance which demonstrates to the satisfaction of the office that 100 percent of its claim exposure is covered by such policy. The contractual liability insurance shall be obtained from an insurer that holds a certificate of authority to do business within the state. For the purposes of this subsection, the contractual liability policy shall contain the following provisions:

(e) In the event the issuer of the contractual liability policy is fulfilling the service warranty covered by policy and in the event the service warranty holder cancels the service warranty, it is the responsibility of the contractual liability policy issuer to effectuate a full refund of unearned premium to the consumer. This refund shall be subject to the cancellation fee provisions of s. 634.414~~(3)~~. The salesperson or agent shall refund to the contractual liability policy issuer the unearned pro rata commission.

Section 27. Effective upon this act becoming a law, section 634.414, Florida Statutes, is amended to read:

634.414 Forms; required provisions ~~Filing; approval of forms.~~—

~~(1) No service warranty form or related form shall be issued or used in this state unless it has been filed with and approved by the office. Upon application for a license, the office shall require the applicant to submit for approval each brochure, pamphlet, circular, form letter, advertisement, or other sales literature or advertising communication addressed or intended for distribution. The office shall disapprove any document which is untrue,~~

~~deceptive, or misleading or which contains misrepresentations or omissions of material facts.~~

~~(a) After an application has been approved, a licensee is not required to submit brochures or advertisement to the office for approval; however, a licensee may not have published, and a person may not publish, any brochure or advertisement which is untrue, deceptive, or misleading or which contains misrepresentations or omissions of material fact.~~

~~(b) For purposes of this section, brochures and advertising includes, but is not limited to, any report, circular, public announcement, certificate, or other printed matter or advertising material which is designed or used to solicit or induce any persons to enter into any service warranty agreement.~~

~~(2) Each filing shall be made not less than 30 days in advance of its issuance or use. At the expiration of 30 days from date of filing, a form so filed shall be deemed approved unless prior thereto it has been affirmatively disapproved by written order of the office.~~

~~(1)(3) Each service warranty contract shall contain a cancellation provision. If in the event the contract is canceled by the warranty holder, return of premium shall be based upon no less than 90 percent of unearned pro rata premium less any claims that have been paid or less the cost of repairs made on behalf of the warranty holder. If in the event the contract is canceled by the association, return of premium shall be based upon 100 percent of unearned pro rata premium, less any claims paid or the cost of repairs made on behalf of the warranty holder.~~

(2) By July 1, 2011, each service warranty contract sold in this state must be accompanied by a written disclosure to the consumer that the rate charged for the contract is not subject to regulation by the office. A service warranty association may comply with this requirement by including such disclosure in its service warranty contract form or in a separate written notice provided to the consumer at the time of sale.

~~(4) The name of the service warranty association issuing the contract must be more prominent than any other company name or program name on the service warranty form or sales brochure.~~

Section 28. Effective upon this act becoming a law, section 634.415, Florida Statutes, is amended to read:

634.415 Noncompliant ~~Grounds for disapproval of forms.~~—The office may order a service warranty association to stop using any contract ~~shall disapprove any form that filed under s. 634.414 if the form:~~

(1) Violates this part;

(2) Is misleading in any respect;

(3) Is reproduced so that any material provision is substantially illegible; or

(4) Contains provisions which are unfair or inequitable or which encourage misrepresentation.

Section 29. Effective upon this act becoming a law, section 634.415, Florida Statutes, is amended to read:

634.415 Tax on premiums; annual statement; reports; ~~quarterly statements.~~—

(1) In addition to the license fees provided in this part for service warranty associations and license taxes as provided in the insurance code as to insurers, each such association and insurer shall, annually on or before March 1, file with the office its annual statement, in the form prescribed by the commission, showing all premiums or assessments received by it in connection with the issuance of service warranties in this state during the preceding calendar year and using accounting principles which will enable the office to ascertain whether the financial requirements set forth in s. 634.406 have been satisfied.

(2) The gross amount of premiums and assessments is subject to the sales tax imposed by s. 212.0506.

(3) The office may levy a fine of up to \$100 a day for each day an association neglects to file the annual statement in the form and within the time provided by this part. The amount of the fine shall be established by rules adopted by the commission. The office shall deposit all sums collected by it under this section to the credit of the Insurance Regulatory Trust Fund.

~~(4) In addition to an annual statement, the office may require of licensees, under oath and in the form prescribed by it, quarterly statements or special reports which it deems necessary to the proper supervision of licensees under this part. For manufacturers as defined in s. 634.401, the office shall require only the annual audited financial statements of the warranty operations and~~

~~corporate reports as filed by the manufacturer with the Securities and Exchange Commission, provided that the office may require additional reporting by manufacturers upon a showing by the office that annual reporting is insufficient to protect the interest of purchasers of service warranty agreements in this state or fails to provide sufficient proof of the financial status required by this part.~~

~~(4)(5)~~ The office may suspend or revoke the license of a service warranty association failing to file its annual statement ~~or quarterly report~~ when due.

~~(5)(6)~~ The commission may by rule require each service warranty association to submit to the office, as the commission may designate, all or part of the information contained in the financial statements and reports required by this section in a computer-readable form compatible with the electronic data processing system specified by the office.

Section 30. Effective upon this act becoming a law, section 634.416, Florida Statutes, is amended to read:

634.416 Examination of associations.—

(1)(a) Service warranty associations licensed under this part ~~may be~~ are subject to periodic examination by the office, in the same manner and subject to the same terms and conditions that apply to insurers under part II of chapter 624.

(b) The office shall determine whether to conduct an examination of a service warranty association by considering:

1. The amount of time that the association has been continuously licensed and operating under the same management and control.

2. The association's history of compliance with applicable law.

3. The number of consumer complaints against the association.

4. The financial condition of the association, demonstrated by the financial reports submitted pursuant to s. 634.313.

~~(2) However,~~ The rate charged a service warranty association by the office for examination may be adjusted to reflect the amount collected for the Form 10-K filing fee as provided in this section.

(3) On or before May 1 of each year, an association may submit to the office the Form 10-K, as filed with the United States Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended. Upon receipt and review of the most current Form 10-K, the office may waive the examination requirement; if the office determines not to waive the examination, such examination will be limited to that examination necessary to ensure compliance with this part. The Form 10-K shall be accompanied by a filing fee of \$2,000 to be deposited into the Insurance Regulatory Trust Fund.

~~(4)(2)~~ The office is not required to examine an association that has less than \$20,000 in gross written premiums as reflected in its most recent annual statement. The office may examine such an association if it has reason to believe that the association may be in violation of this part or is otherwise in an unsound financial condition. If the office examines an association that has less than \$20,000 in gross written premiums, the examination fee may not exceed 5 percent of the gross written premiums of the association.

Section 31. Effective upon this act becoming a law, paragraph (b) of subsection (1) of section 634.4225, Florida Statutes, is amended to read:

634.4225 Rebating; when allowed.—

(1) No sales representative shall rebate any portion of his or her commission except as follows:

(b) The rebate shall be in accordance with a rebating schedule filed with and approved by the ~~sales representative with the~~ association issuing the service warranty to which the rebate applies. The association shall maintain a copy of all rebating schedules for a period of 3 years.

Section 32. Effective upon this act becoming a law, subsection (9) is added to section 634.436, Florida Statutes, to read:

634.436 Unfair methods of competition and unfair or deceptive acts or practices defined.—The following methods, acts, or practices are defined as unfair methods of competition and unfair or deceptive acts or practices:

(9) FAILURE TO PROVIDE TERMS AND CONDITIONS PRIOR TO SALE.—Failing to provide a consumer with a complete sample copy of the terms and conditions of the service warranty prior to before the time of sale upon a request for the same by the consumer. A service warranty association may comply with this subsection by providing the consumer with a sample copy of the terms and conditions of the warranty contract or by directing the

consumer to a website that displays a complete sample of the terms and conditions of the contract.

Section 33. Effective upon this act becoming a law, subsections (2), (3), (4), and (5) of section 634.136, Florida Statutes, are amended to read:

634.136 Office records required.—Each licensed motor vehicle service contract company, as a minimum requirement for permanent office records, shall maintain:

~~(2) Memorandum journals showing the blank service agreement forms issued to the company salespersons and recording the delivery of the forms to the dealer.~~

~~(3) Memorandum journals showing the service contract forms received by the motor vehicle dealers and indicating the disposition of the forms by the dealer.~~

~~(2)(4)~~ A detailed service agreement register, in numerical order by service agreement number, of agreements in force, which register shall include the following information: service agreement number, date of issue, issuing dealer, name of agreement holder, whether the agreement is covered by contractual liability insurance or the unearned premium reserve account, description of motor vehicle, service agreement period and mileage, gross premium, commission to salespersons, commission to dealer, and net premium.

~~(3)(5)~~ A detailed claims register, in numerical order by service agreement number, which register shall include the following information: service agreement number, date of issue, date of claim, type of claim, issuing dealer, amount of claim, date claim paid, and, if applicable, disposition other than payment and reason therefor.

Section 34. Effective upon this act becoming a law, subsections (4) and (5) of section 634.313, Florida Statutes, are amended to read:

634.313 Tax on premiums; annual statement; reports.—

~~(4) In addition to an annual statement, the office may require of licensees, under oath and in the form prescribed by it, such additional regular or special reports as it may deem necessary to the proper supervision of licensees under this part.~~

~~(4)(5)~~ The commission may by rule require each home warranty association to submit to the office, as the commission may designate, all or part of the information contained in the financial reports required by this section in a computer-readable form compatible with the electronic data processing system specified by the office.

Section 35. Effective upon this act becoming a law, sections 634.1216 and 634.3126, Florida Statutes, are repealed.

Section 36. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect January 1, 2011.

TITLE AMENDMENT

Remove lines 64-65 and insert:

information at the insurer's expense; amending s. 628.4615, F.S., relating to specialty insurers; conforming a cross-reference; amending s. 634.011, F.S.; revising the definition of the term "motor vehicle service agreement"; amending s. 634.031, F.S.; providing penalties for certain licensure violations; amending s. 634.041, F.S., relating to qualifications for licensure; conforming cross-references; amending s. 634.095, F.S.; prohibiting service agreement companies from issuing certain deceptive advertisements, operating without a subsisting license, or remitting premiums to a person other than the obligated service agreement company; amending s. 634.121, F.S.; deleting a requirement that certain service agreement forms be approved by the Office of Insurance Regulation of the Financial Services Commission; requiring the service agreements to include certain written disclosures; amending s. 634.1213, F.S.; authorizing the office to order a service agreement company to stop using forms that do not comply with specified requirements; amending s. 634.137, F.S.; deleting a schedule for the submissions of certain reports; amending s. 634.141, F.S.; providing guidelines for the office to use in determining whether to examine a company; amending s. 634.1815, F.S.; requiring certain rebates to be approved by the company issuing a service agreement; amending s. 634.282, F.S.; clarifying provisions relating to the

refund of excess premiums or charges; requiring that a consumer receive a sample copy of the service agreement prior to the sale of a service agreement; amending s. 634.301, F.S.; revising certain definitions relating home warranties; amending s. 634.303, F.S.; providing that it is a first-degree misdemeanor for a person without a subsisting license to provide or offer to provide home warranties; amending s. 634.308, F.S.; providing an exception to certain grounds for licensure suspension or revocation; amending s. 634.312, F.S.; deleting a requirement that certain home warranty agreement forms be approved by the office; requiring the home warranty contracts to include certain written disclosures; amending s. 634.3123, F.S.; authorizing the office to order a home warranty association to stop using forms that do not comply with specified requirements; amending s. 634.314, F.S.; providing guidelines for the office to use in determining whether to examine an association; amending s. 634.3205, F.S.; requiring certain rebates to be approved by the association issuing a service agreement; amending s. 634.336, F.S.; requiring that a consumer receive a sample copy of the service agreement prior to the sale of a service agreement; amending s. 634.344, F.S.; prohibiting certain coercive actions relating to the sale of a home warranty in connection with the lending of money; amending s. 634.401, F.S.; redefining the term "indemnify"; amending s. 634.403, F.S.; providing that it is a first-degree misdemeanor for a person without a subsisting license to provide or offer to provide service warranties; amending s. 634.406, F.S., relating to financial requirements; conforming a cross-reference; amending s. 634.414, F.S.; deleting a requirement that certain service warranty forms be approved by the office; deleting certain requirements relating to the display of the issuing association's name on literature; requiring the service warranty contracts to include certain written disclosures; amending s. 634.4145, F.S.; authorizing the office to order a service warranty association to stop using forms that do not comply with specified requirements; amending s. 634.415, F.S.; deleting a requirement that associations file certain quarterly statements and special reports; amending s. 634.416, F.S.; providing guidelines for the office to use in determining whether to examine a service warranty association; amending s. 634.4225, F.S.; requiring certain rebates to be approved by the association issuing a service warranty; amending s. 634.436, F.S.; requiring that a consumer receive a sample copy of the service agreement prior to the sale of a service agreement; amending s. 634.136, F.S.; deleting certain provisions requiring records to be maintained by motor vehicle service contract companies; amending s. 634.313, F.S.; deleting certain requirements for reports relating to taxes on premiums; repealing ss. 634.1216 and 634.3126, F.S., relating to required rate filings; providing effective dates.

Rep. Kelly moved the adoption of the amendment, which was adopted.

On motion by Rep. Drake, the rules were waived and CS for CS for SB 2176 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1068

Speaker Cretul in the Chair.

Yeas—107

Abruzzo	Burgin	Fitzgerald	Heller
Adams	Bush	Ford	Holder
Adkins	Cannon	Fresen	Homan
Ambler	Carroll	Frishe	Hooper
Anderson	Chestnut	Gaetz	Homer
Aubuchon	Clarke-Reed	Galvano	Hudson
Bembry	Cretul	Garcia	Hukill
Bernard	Crisafulli	Gibbons	Jenne
Bogdanoff	Culp	Gibson	Jones
Bovo	Domino	Glorioso	Kelly
Boyd	Dorworth	Gonzalez	Kiar
Brandenburg	Drake	Grady	Kreegel
Braynon	Eisnaugle	Grimsley	Kriseman
Brisé	Evers	Hasner	Legg
Bullard	Fetterman	Hays	Llorente

Lopez-Cantera	Porth	Rogers	Thompson, N.
Mayfield	Precourt	Rouson	Tobia
McBurney	Proctor	Sands	Troutman
McKeel	Rader	Schenck	Van Zant
Murzin	Ray	Schultz	Waldman
Nehr	Reagan	Schwartz	Weinstein
Nelson	Reed	Skidmore	Williams, A.
O'Toole	Rehwinkel Vasilinda	Snyder	Williams, T.
Pafford	Renuart	Soto	Wood
Patterson	Robaina	Stargel	Workman
Planas	Roberson, K.	Steinberg	Zapata
Poppell	Roberson, Y.	Taylor	

Nays—None

Votes after roll call:

Yeas—Coley, Cruz, Long, Saunders, Thompson, G.

So the bill passed, as amended, and was immediately certified to the Senate.

CS for CS for CS for SB 550—A bill to be entitled An act relating to environmental protection; creating part VII of ch. 373, F.S., relating to water supply policy, planning, production, and funding; providing a declaration of policy; providing for the general powers and duties of water management district governing boards; requiring the Department of Environmental Protection to develop the Florida water supply plan; providing components of the plan; requiring water management district governing boards to develop water supply plans for their respective regions; providing components of district water supply plans; providing legislative findings and intent with respect to water resource development and water supply development; requiring water management districts to fund and implement water resource development; specifying water supply development projects that are eligible to receive priority consideration for state or water management district funding assistance; encouraging cooperation in the development of water supplies; providing for alternative water supply development; encouraging municipalities, counties, and special districts to create regional water supply authorities; establishing the primary roles of the water management districts in alternative water supply development; establishing the primary roles of local governments, regional water supply authorities, special districts, and publicly owned and privately owned water utilities in alternative water supply development; requiring the water management districts to detail the specific allocations to be used for alternative water supply development in their annual budget submission; requiring that the water management districts include the amount needed to implement the water supply development projects in each annual budget; establishing general funding criteria for funding assistance to the state or water management districts; establishing economic incentives for alternative water supply development; providing a funding formula for the distribution of state funds to the water management districts for alternative water supply development; requiring that funding assistance for alternative water supply development be limited to a percentage of the total capital costs of an approved project; establishing a selection process and criteria; providing for cost recovery from the Public Service Commission; requiring a water management district governing board to conduct water supply planning for each region identified in the district water supply plan; providing procedures and requirements with respect to regional water supply plans; providing for joint development of a specified water supply development component of a regional water supply plan within the boundaries of the Southwest Florida Water Management District; providing that approval of a regional water supply plan is not subject to the rulemaking requirements of the Administrative Procedure Act; requiring the department to submit annual reports on the status of regional water supply planning in each district; providing for construction with respect to the water supply development component of a regional water supply plan; requiring water management districts to present to certain entities the relevant portions of a regional water supply plan; requiring certain entities to provide written notification to water management districts as to the implementation of water supply project options; requiring water management districts to notify local governments of the need for alternative water supply projects; requiring

water management districts to assist local governments in the development and future revision of local government comprehensive plan elements or public facilities reports related to water resource issues; providing for the creation of regional water supply authorities; providing purpose of such authorities; specifying considerations with respect to the creation of a proposed authority; specifying authority of a regional water supply authority; providing authority of specified entities to convey title, dedicate land, or grant land-use rights to a regional water supply authority for specified purposes; providing preferential rights of counties and municipalities to purchase water from regional water supply authorities; providing an exemption for specified water supply authorities from consideration of certain factors and submissions; providing applicability of such exemptions; authorizing the West Coast Regional Water Supply Authority and its member governments to reconstitute the authority's governance and rename the authority under a voluntary interlocal agreement; providing compliance requirements with respect to the interlocal agreement; providing for supersession of conflicting general or special laws; providing requirements with respect to annual budgets; specifying the annual millage for the authority; authorizing the authority to request the governing board of the district to levy ad valorem taxes within the boundaries of the authority to finance authority functions; providing requirements and procedures with respect to the collection of such taxes; amending ss. 120.52, 163.3167, 163.3177, 163.3191, 189.404, 189.4155, 189.4156, and 367.021, F.S.; conforming cross-references and removing obsolete provisions; amending ss. 373.036, 373.0363, 373.0421, 373.0695, 373.223, 373.2234, 373.229, 373.236, 373.536, 373.59, 378.212, 378.404, 403.0891, 403.890, 403.891, and 682.02, F.S.; conforming cross-references and removing obsolete provisions; renumbering s. 373.71, F.S.; relating to the Apalachicola-Chattahoochee-Flint River Basin Compact, to clarify retention of the section in part VI of ch. 373, F.S.; repealing s. 373.0361, F.S., relating to regional water supply planning; repealing s. 373.0391, F.S., relating to technical assistance to local governments; repealing s. 373.0831, F.S., relating to water resource and water supply development; repealing s. 373.196, F.S., relating to alternative water supply development; repealing s. 373.1961, F.S., relating to water production and related powers and duties of water management districts; repealing s. 373.1962, F.S., relating to regional water supply authorities; repealing s. 373.1963, F.S., relating to assistance to the West Coast Regional Water Supply Authority; amending s. 373.1961, F.S.; expanding alternative water supply funding to include quantifiable conservation projects; adding a high-water recharge criterion to the ranking criteria for water projects; amending s. 373.414, F.S.; adding limestone extraction operations to activities in surface waters and wetlands that require mitigation; amending s. 378.901, F.S.; allowing life-of-the-mine permits for limestone extraction operations; providing authority for local governments to impose different permit restrictions; amending s. 373.41492, F.S.; updating mitigation fees for the Miami-Dade Lake Belt Mitigation Plan; amending s. 215.619, F.S.; authorizing the issuance of bonds to be used to finance the management of sewage facilities in the Florida Keys Area of Critical State Concern; amending s. 380.0552, F.S.; revising legislative intent relating to the designation of the Florida Keys as an area of critical state concern; revising the procedures for removing the designation; providing for administrative review of such removal rather than judicial review; authorizing the Administration Commission to adopt rules or revise existing rules; revising the principles guiding development; revising compliance requirements for reviewing comprehensive plan amendments; amending s. 381.0065, F.S.; providing additional legislative intent; providing additional requirements for onsite sewage treatment and disposal systems in Monroe County; directing the Department of Health to create and administer a statewide septic tank evaluation program; providing procedures and criteria for the evaluation program; prohibiting the land application of septage after January 1, 2016; creating s. 381.00656, F.S.; providing for a low-income grant program for septic tank maintenance and replacement; amending s. 381.0066, F.S.; authorizing the Department of Health to collect an evaluation report fee; requiring such fees to be revenue neutral; amending s. 403.086, F.S.; requiring the Department of Environmental Protection to submit a report on the effects of reclaimed water use; clarifying reuse requirements for domestic wastewater facilities that discharge through ocean outfalls; clarifying reuse

requirements for domestic wastewater facilities that divert wastewater from facilities discharging through ocean outfalls; providing legislative findings and discharge requirements for wastewater facilities in Monroe County; repealing sections 4, 5, and 6 of chapter 99-395, Laws of Florida, as amended, relating to sewage treatment in the Florida Keys; amending s. 403.1835, F.S.; conforming terms to changes made to the Florida Water Pollution Control Financing Corporation; amending s. 403.1837, F.S.; expanding the purview of the corporation to include loans made from the drinking water state revolving loan fund; providing conforming changes; amending s. 403.8532, F.S.; providing definitions for the terms "bonds" and "corporation"; providing conforming changes; authorizing the Department of Environmental Protection to adopt certain rules; amending s. 403.8533, F.S.; revising the purposes for the Drinking Water Revolving Loan Trust Fund; providing that the trust fund is exempt from the termination provisions of the State Constitution; amending s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva Study Area; amending s. 553.77, F.S.; directing the Florida Building Commission to recommend products that result in water conservation; amending s. 215.47, F.S.; authorizing the State Board of Administration to make investments in alternative water supply and water resource development projects; amending s. 373.129, F.S.; requiring the water management districts to submit to alternative dispute resolution in conflicts with other governmental entities; amending s. 403.707, F.S.; requiring liners for new landfills and expansions of existing landfills not yet permitted that will accept construction and demolition debris; amending s. 298.66, F.S.; clarifying penalties for people who damage drainage works constructed or maintained by a water management district; providing legislative intent that there are no substantive changes in the reorganization ch. 373, F.S.; providing legislative intent that substantive changes affecting repealed sections of law relating to the reorganization of ch. 373, F.S., shall be given full force and effect; providing an effective date.

—was read the second time by title.

Representative Williams, T. offered the following:

(Amendment Bar Code: 473419)

Amendment 1 (with title amendment)—Remove line 2553 and insert: than every 2 ~~5~~ years thereafter, the interagency committee shall

TITLE AMENDMENT

Remove line 136 and insert:

Miami-Dade Lake Belt Mitigation Plan; revising provisions requiring the interagency committee to submit a report regarding mitigation fees to the Legislature; amending s.

Rep. T. Williams moved the adoption of the amendment, which was adopted.

Representative Plakon offered the following:

(Amendment Bar Code: 563073)

Amendment 2—Remove line 3040 and insert:
within the systems. The department shall develop rules for implementing evaluation program standards and obtain legislative approval for the standards. The department shall adopt rules

Rep. Plakon moved the adoption of the amendment. Subsequently, **Amendment 2** was withdrawn.

Representative Williams, T. offered the following:

(Amendment Bar Code: 565511)

Amendment 3 (with title amendment)—Remove lines 4032-4041

TITLE AMENDMENT

Remove lines 188-191 and insert:
mitigation offsets in the Wekiva Study Area; amending s. 215.47, F.S.;
authorizing

Rep. T. Williams moved the adoption of the amendment, which was adopted.

Representative Williams, T. offered the following:

(Amendment Bar Code: 282919)

Amendment 4 (with title amendment)—Between lines 4128 and 4129, insert:

Section 51. Subsection (1) of section 373.0361, Florida Statutes, is amended to read:

373.0361 Regional water supply planning.—

(1) The governing board of each water management district shall conduct water supply planning for any water supply planning region within the district identified in the appropriate district water supply plan under s. 373.036, where it determines that existing sources of water are not adequate to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems for the planning period. The planning must be conducted in an open public process, in coordination and cooperation with local governments, regional water supply authorities, government-owned and privately owned water and wastewater utilities, multijurisdictional water supply entities, self-suppliers, reuse utilities, the department, and other affected and interested parties. The districts shall actively engage in public education and outreach to all affected local entities and their officials, as well as members of the public, in the planning process and in seeking input. During preparation, but prior to completion of the regional water supply plan, the district must conduct at least one public workshop to discuss the technical data and modeling tools anticipated to be used to support the regional water supply plan. The district shall also hold several public meetings to communicate the status, overall conceptual intent, and impacts of the plan on existing and future reasonable-beneficial uses and related natural systems. During the planning process, a local government may choose to prepare its own water supply assessment to determine if existing water sources are adequate to meet existing and projected reasonable-beneficial needs of the local government while sustaining water resources and related natural systems. The local government shall submit such assessment, including the data and methodology used, to the district. The district shall consider the local government's assessment during the formation of the plan. A determination by the governing board that initiation of a regional water supply plan for a specific planning region is not needed pursuant to this section shall be subject to s. 120.569. The governing board shall reevaluate such a determination at least once every 5 years and shall initiate a regional water supply plan, if needed, pursuant to this subsection.

Section 52. Subsection (4) of section 373.079, Florida Statutes, is amended to read:

373.079 Members of governing board; oath of office; staff.—

(4)(a) The governing board of the district shall be authorized to employ:

(a) An executive director, ombudsman, and such engineers, other professional persons, and other personnel and assistants as it deems necessary and under such terms and conditions as it may determine and to terminate such employment. The appointment of an executive director by the governing board is subject to approval by the Governor and must be initially confirmed by the Florida Senate. The governing board may delegate all or part of its authority under this paragraph to the executive director. However, the governing board shall delegate to the executive director all of its authority to take final action on permit applications under ~~part II or part IV~~ or petitions for variances or waivers of permitting requirements under ~~part II or part IV, except for denials of such actions as provided in s. 373.083(5).~~ 1. The executive director may execute such delegated authority through designated staff members. Such delegations shall not be subject to the rulemaking

requirements of chapter 120. The governing board must provide a process for referring a denial of such application or petition to the governing board for the purpose of taking final action. The executive director must be confirmed by the Senate upon employment and must be confirmed or reconfirmed by the Senate during the second regular session of the Legislature following a gubernatorial election.

2. The delegation required by this paragraph shall expressly prohibit governing board members from individually intervening in any manner during the review of an application before such application is referred to the governing board for final action. This subparagraph does not prohibit the governing board as a collegial body from acting on any permit application or supervising, overseeing, or directing the activities of district staff. This subparagraph expires June 1, 2011, unless reenacted by the Legislature.

(b)1. ~~The governing board of each water management district shall employ~~ An inspector general, who shall report directly to the board. However, the governing boards of the Suwannee River Water Management District and the Northwest Florida Water Management District may jointly employ an inspector general, or provide for inspector general services by interagency agreement with a state agency or water management district inspector general.

2. An inspector general must have the same qualifications ~~prescribed~~ and perform the applicable duties of state agency inspectors general as provided in s. 20.055.

Section 53. Subsection (5) of section 373.083, Florida Statutes, is amended to read:

373.083 General powers and duties of the governing board.—In addition to other powers and duties allowed it by law, the governing board is authorized to:

(5) Execute any of the powers, duties, and functions vested in the governing board through a member ~~or members thereof~~, the executive director, or other district staff as designated by the governing board. The governing board may establish the scope and terms of any delegation and no delegation shall be subject to the rulemaking requirements of chapter 120. However, if the governing board delegates shall delegate to the executive director ~~all of its authority to take final action on permit applications under part II or part IV~~ or petitions for variances or waivers of permitting requirements under part II ~~or part IV~~, and the executive director may execute such delegated authority through designated staff. ~~Such delegations shall not be subject to the rulemaking requirements of chapter 120.~~ However, the governing board ~~must shall~~ provide a process for referring a ~~any~~ denial of such application or petition to the governing board for the purpose of taking to take final action. Such process shall expressly prohibit any member of a governing board from intervening in any manner during the review of an application prior to such application being referred to the governing board for final action. The authority to delegate under in this subsection is supplemental to any other provision of this chapter granting authority to the governing board to delegate specific powers, duties, or functions.

Section 54. Subsection (1) of section 373.085, Florida Statutes, is amended to read:

373.085 Use of works or land by other districts or private persons.—

(1)(a) In order to promote water quantity and water resource development, projects that improve flood control, and conservation of lands, the district and other governmental agencies shall encourage public-private partnerships by collaborating, when possible, with those partnerships when procuring materials for infrastructure and restoration work projects, consistent with district and state procurement procedures.

(b) The governing board has authority to prescribe the manner in which local works provided by other districts or by private persons will connect with and make use of the works or land of the district, to issue permits therefor, and to cancel the permits for noncompliance with the conditions thereof or for other cause. It is unlawful to connect with or make use of the works or land of the district without consent in writing from its governing board, and the board has authority to prevent or, if done, estop or terminate the same. The use of the works or land of the district for access is governed by this section and is not subject to the provisions of s. 704.01. However, any land or works of the district which have historically been used for public access to the ocean by means of the North New River Canal and its tributaries may not be closed for

this purpose unless the district can demonstrate that significant harm to the resource would result from such public use.

Section 55. Subsection (5) is added to section 373.118, Florida Statutes, to read:

373.118 General permits; delegation.—

(5) To improve efficiency, the governing board may delegate its powers and duties pertaining to general permits to the executive director. The executive director may execute such delegated authority through designated staff. However, when delegating the authority to take final action on permit applications under part II or petitions for variances or waivers of permitting requirements under part II, the governing board must provide a process for referring a denial of such application or petition to the governing board for the purpose of taking final action. Such delegations are not subject to the rulemaking requirements of chapter 120.

Section 56. Subsection (4) of section 373.236, Florida Statutes, is amended to read:

373.236 Duration of permits; compliance reports.—

(4) Where necessary to maintain reasonable assurance that the conditions for issuance of a 20-year permit can continue to be met, the governing board or department, in addition to any conditions required pursuant to s. 373.219, may require a compliance report by the permittee every 10 5 years during the term of a permit. The Suwannee River Water Management District may require a compliance report by the permittee every 5 years through July 1, 2015, and thereafter every 10 years during the term of the permit. This report shall contain sufficient data to maintain reasonable assurance that the initial conditions for permit issuance are met. Following review of this report, the governing board or the department may modify the permit to ensure that the use meets the conditions for issuance. Permit modifications pursuant to this subsection shall not be subject to competing applications, provided there is no increase in the permitted allocation or permit duration, and no change in source, except for changes in source requested by the district. This subsection shall not be construed to limit the existing authority of the department or the governing board to modify or revoke a consumptive use permit.

Section 57. Paragraphs (c) and (d) are added to subsection (3) of section 373.250, Florida Statutes, subsections (4) and (5) of that section are renumbered as subsections (5) and (6), respectively, and a new subsection (4) is added to that section, to read:

373.250 Reuse of reclaimed water.—

(3) The water management district shall, in consultation with the department, adopt rules to implement this section. Such rules shall include, but not be limited to:

(c) Provisions to require permit applicants to provide, as part of their reclaimed water feasibility evaluation for a nonpotable use, written documentation from a reuse utility addressing the availability of reclaimed water. This requirement shall apply when the applicant's proposed use is within an area that is or may be served with reclaimed water by a reuse utility within a 5-year horizon, as established by the reuse utility and provided to the district. If the applicable reuse utility fails to respond or does not provide the information required under paragraph (d) within 30 days after receipt of the request, the applicant shall provide to the district a copy of the written request and a statement that the utility failed to provide the requested information. The district is not required to adopt, by rule, the area where written documentation from a reuse utility is required, but the district shall publish the area, and any updates thereto, on the district's website. This paragraph may not be construed to limit the ability of a district to require the use of reclaimed water or to limit a utility's ability to plan reclaimed water infrastructure.

(d) Provisions specifying the content of the documentation required in paragraph (c), including sufficient information regarding the availability and costs associated with the connection to and the use of reclaimed water, to facilitate the permit applicant's reclaimed water feasibility evaluation.

(4) Reuse utilities and the applicable water management district or districts are encouraged to periodically coordinate and share information concerning the status of reclaimed water distribution system construction, the availability of reclaimed water supplies, and existing consumptive use permits in areas served by the reuse utility.

Section 58. The water management districts shall initiate rulemaking no later than July 1, 2011, to implement the requirements of s. 373.250(3)(c) and (d), Florida Statutes, as created by this act.

TITLE AMENDMENT

Between lines 208 and 209, insert:

amending s. 373.0361, F.S.; providing for the inclusion of wastewater utilities, reuse utilities, and the department in the regional water supply planning process; amending s. 373.079, F.S.; revising provisions relating to the authority of a water management district governing board to employ an executive director, an ombudsman, an inspector general, professional persons, and personnel; prohibiting governing board intervention during review of specified permit applications; providing for expiration of such prohibition; revising provisions authorizing a water management district governing board to delegate certain authority to the executive director; requiring the governing board to provide a process for referring certain denials to the board for final action; amending s. 373.083, F.S.; revising provisions authorizing a water management district governing board to delegate certain authority to the executive director; deleting a provision prohibiting governing board members from intervening in the review of certain applications; amending s. 373.085, F.S.; requiring water management districts and governmental agencies to encourage public-private partnerships for procurement of materials for infrastructure and restoration work projects; amending s. 373.118, F.S.; authorizing a water management district governing board to delegate certain authority to the executive director; requiring a water management district governing board to provide a process for referring application and petition denials to the board for final action; exempting such delegations from rulemaking under ch. 120, F.S.; amending s. 373.236, F.S.; reducing the frequency of compliance reports during the term of a consumptive use permit; providing an exception; amending s. 373.250, F.S.; requiring water management districts, in consultation with the department, to adopt rules relating to reclaimed water feasibility evaluations for consumptive use permit applicants; providing rule requirements; encouraging reuse utilities and water management districts to periodically coordinate and share information relating to reclaimed water; requiring water management districts to initiate certain rulemaking by a specified date;

Rep. T. Williams moved the adoption of the amendment, which was adopted.

Representative Williams, T. offered the following:

(Amendment Bar Code: 779711)

Amendment 5 (with title amendment)—Between lines 4128 and 4129, insert:

Section 51. (1) The Legislature finds the following with respect to nutrient water quality standards:

(a) Nutrients are essential for the biological health and productivity of Florida waters.

(b) A delicate relationship exists between the level of nutrients in a waterbody and its health and productivity.

(c) Increasing the level of nutrients in combination with site-specific conditions can cause impairment to a waterbody.

(d) The establishment of numeric nutrient criteria in a manner that fails to take into account site-specific factors may result in criteria that lack adequate scientific support and cause unintended environmental and economic consequences.

(e) The total maximum daily load program is the best mechanism for establishing numeric nutrient standards for nutrient-impaired waterbodies and restoring nutrient-impaired waterbodies, and consistent with the congressional intent expressed in the Clean Water Act, any numeric nutrient criteria established pursuant to s. 303(c) of the Clean Water Act should work in

concert with the total maximum daily load program, the state stormwater treatment rule, and other water quality programs.

(f) The state currently implements a narrative nutrient criterion and, while complicated, the establishment of sound science-based numeric nutrient criteria to complement the narrative criterion would enhance the ability of the state to achieve a balance of adequate nutrients to sustain aquatic life while not allowing excess nutrients that will alter the aquatic ecosystem.

(g) The state's reclaimed lakes, canals, and ditches represent unique surface waters for which alternative uses and associated criteria are appropriate.

(2) The Legislature further finds the following with respect to the United States Environmental Protection Agency's nutrient water quality criteria rulemaking:

(a) The agency's January 2010 proposed water quality standards for the state fail to take into account the unique characteristics of the state's many thousands of rivers, streams, and canals.

(b) The agency's January 2010 proposed water quality standards fail to incorporate, and may undermine, the state's science-based total maximum daily loads program.

(c) The finalization and implementation of the agency's January 2010 proposed water quality standards will have severe economic consequences on the state's agriculture, local governments, wastewater utilities, economically vital industries, small businesses, and residents living below the poverty level or on fixed incomes.

TITLE AMENDMENT

Between lines 208 and 209, insert:
providing legislative findings with respect to nutrient water quality standards and the United States Environmental Protection Agency's nutrient water quality criteria rulemaking;

Rep. T. Williams moved the adoption of the amendment, which was adopted.

On motion by Rep. Kreegel, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Kreegel offered the following:

(Amendment Bar Code: 558839)

Amendment 6 (with title amendment)—Between lines 4128 and 4129, insert:

Section 51. Subsections (1), (2), and (3) of section 220.1845, Florida Statutes, are renumbered as subsections (2), (3), and (4), respectively, and a new subsection (1) is added to that section to read:

220.1845 Contaminated site rehabilitation tax credit.—

(1) APPLICATION FOR TAX CREDIT.—A site rehabilitation application must be received by the Division of Waste Management of the Department of Environmental Protection by January 31 of the year after the calendar year for which site rehabilitation costs are being claimed in a tax credit application. All site rehabilitation costs claimed must have been for work conducted between January 1 and December 31 of the year for which the application is being submitted. All payment requests must have been received and all costs must have been paid prior to submittal of the tax credit application, but no later than January 31 of the year after the calendar year for which site rehabilitation costs are being claimed.

Section 52. Paragraph (a) of subsection (5), paragraph (c) of subsection (6), and subsections (9) and (10) of section 376.30781, Florida Statutes, are amended to read:

376.30781 Tax credits for rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas; application process; rulemaking authority; revocation authority.—

(5) To claim the credit for site rehabilitation or solid waste removal, each tax credit applicant must apply to the Department of Environmental Protection for an allocation of the \$2 million annual credit by filing a tax credit

application with the Division of Waste Management on a form developed by the Department of Environmental Protection in cooperation with the Department of Revenue. The form shall include an affidavit from each tax credit applicant certifying that all information contained in the application, including all records of costs incurred and claimed in the tax credit application, are true and correct. If the application is submitted pursuant to subparagraph (3)(a)2., the form must include an affidavit signed by the real property owner stating that it is not, and has never been, the owner or operator of the drycleaning facility where the contamination exists. Approval of tax credits must be accomplished on a first-come, first-served basis based upon the date and time complete applications are received by the Division of Waste Management, subject to the limitations of subsection (14). To be eligible for a tax credit, the tax credit applicant must:

(a) For site rehabilitation tax credits, have entered into a voluntary cleanup agreement with the Department of Environmental Protection for a drycleaning-solvent-contaminated site or a Brownfield Site Rehabilitation Agreement, as applicable, and have paid all deductibles pursuant to s. 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program sites, as applicable. A site rehabilitation tax credit applicant must submit only a single completed application per site for each calendar year's site rehabilitation costs. A site rehabilitation application must be received by the Division of Waste Management of the Department of Environmental Protection by January 31 of the year after the calendar year for which site rehabilitation costs are being claimed in a tax credit application. All site rehabilitation costs claimed must have been for work conducted between January 1 and December 31 of the year for which the application is being submitted. All payment requests must have been received and all costs must have been paid prior to submittal of the tax credit application, but no later than January 31 of the year after the calendar year for which site rehabilitation costs are being claimed.

(6) To obtain the tax credit certificate, the tax credit applicant must provide all pertinent information requested on the tax credit application form, including, at a minimum, the name and address of the tax credit applicant and the address and tracking identification number of the eligible site. Along with the tax credit application form, the tax credit applicant must submit the following:

(c) Proof that the documentation submitted pursuant to paragraph (b) has been reviewed and verified by an independent certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants. Specifically, a certified public accountant's report must be submitted and the certified public accountant must attest to the accuracy and validity of the costs claimed incurred and paid during the time period covered in the application by conducting an independent review of the data presented by the tax credit applicant. Accuracy and validity of costs incurred and paid shall be determined after the level of effort is certified by an appropriate professional registered in this state in each contributing technical discipline. The certified public accountant's report must also attest that the costs included in the application form are not duplicated within the application, that all payment requests were received and all costs were paid prior to submittal of the tax credit application, and, for site rehabilitation tax credits, that all costs claimed are for work conducted between January 1 and December 31 of the year for which the application is being submitted. A copy of the accountant's report shall be submitted to the Department of Environmental Protection in addition to the accountant's certification form in the tax credit application; and

(9) On or before May 1, the Department of Environmental Protection shall inform each tax credit applicant that is subject to the January 31 annual application deadline of the applicant's eligibility status and the amount of any tax credit due. The department shall provide each eligible tax credit applicant with a tax credit certificate that must be submitted with its tax return to the Department of Revenue to claim the tax credit or be transferred pursuant to s. 220.1845(2)(g) s. 220.1845(1)(g). The May 1 deadline for annual site rehabilitation tax credit certificate awards shall not apply to any tax credit application for which the department has issued a notice of deficiency pursuant to subsection (8). The department shall respond within 90 days after receiving a response from the tax credit applicant to such a notice of deficiency. Credits may not result in the payment of refunds if total credits exceed the amount of tax owed.

(10) For solid waste removal, new health care facility or health care provider, and affordable housing tax credit applications, the Department of Environmental Protection shall inform the applicant of the department's determination within 90 days after the application is deemed complete. Each eligible tax credit applicant shall be informed of the amount of its tax credit and provided with a tax credit certificate that must be submitted with its tax return to the Department of Revenue to claim the tax credit or be transferred pursuant to s. 220.1845(2)(g) ~~s. 220.1845(1)(g)~~. Credits may not result in the payment of refunds if total credits exceed the amount of tax owed.

Section 53. Section 376.85, Florida Statutes, is amended to read:

376.85 Annual report.—The Department of Environmental Protection shall prepare and submit ~~an annual report~~ to the President of the Senate and the Speaker of the House of Representatives by August 1 of each year a report that includes ~~Legislature, beginning in December 1998, which shall include,~~ but is not ~~be~~ limited to, the number, size, and locations of brownfield sites: that have been remediated under the provisions of this act; that are currently under rehabilitation pursuant to a negotiated site rehabilitation agreement with the department or a delegated local program; where alternative cleanup target levels have been established pursuant to s. 376.81(1)(g)3.; and where engineering and institutional control strategies are being employed as conditions of a "no further action order" to maintain the protections provided in s. 376.81(1)(g)1. and 2.

Section 54. Section 403.973, Florida Statutes, is amended to read:

403.973 Expedited permitting; amendments to comprehensive plans ~~plan amendments~~.—

(1) It is the intent of the Legislature to encourage and facilitate the location and expansion of those types of economic development projects which offer job creation and high wages, strengthen and diversify the state's economy, and have been thoughtfully planned to take into consideration the protection of the state's environment. It is also the intent of the Legislature to provide for an expedited permitting and comprehensive plan amendment process for such projects.

(2) As used in this section, the term:

(a) "Duly noticed" means publication in a newspaper of general circulation in the municipality or county with jurisdiction. The notice shall appear on at least 2 separate days, one of which shall be at least 7 days before the meeting. The notice shall state the date, time, and place of the meeting scheduled to discuss or enact the memorandum of agreement, and the places within the municipality or county where such proposed memorandum of agreement may be inspected by the public. The notice must be one-eighth of a page in size and must be published in a portion of the paper other than the legal notices section. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the memorandum of agreement.

(b) "Jobs" means permanent, full-time equivalent positions not including construction jobs.

(c) "Office" means the Office of Tourism, Trade, and Economic Development.

(d) "Permit applications" means state permits and licenses, and at the option of a participating local government, local development permits or orders.

(e) "Secretary" means the Secretary of Environmental Protection or his or her designee.

(3)(a) The secretary ~~Governor, through the office,~~ shall direct the creation of regional permit action teams; for the purpose of expediting review of permit applications and local comprehensive plan amendments submitted by:

1. Businesses creating at least 50 ~~400~~ jobs; or

2. Businesses creating at least 25 ~~50~~ jobs if the project is located in an enterprise zone, or in a county having a population of fewer ~~less~~ than 75,000 or in a county having a population of fewer ~~less~~ than 125,000 ~~400,000~~ which is contiguous to a county having a population of fewer ~~less~~ than 75,000, as determined by the most recent decennial census, residing in incorporated and unincorporated areas of the county; ~~or~~

(b) On a case-by-case basis and at the request of a county or municipal government, the office may certify as eligible for expedited review a project not meeting the minimum job creation thresholds but creating a minimum of 10 jobs. The recommendation from the governing body of the county or municipality in which the project may be located is required in order for the

office to certify that any project is eligible for expedited review under this paragraph. When considering projects that do not meet the minimum job creation thresholds but that are recommended by the governing body in which the project may be located, the office shall consider economic impact factors that include, but are not limited to:

1. The proposed wage and skill levels relative to those existing in the area in which the project may be located;

2. The project's potential to diversify and strengthen the area's economy;

3. The amount of capital investment; and

4. The number of jobs that will be made available for persons served by the welfare transition program.

(c) At the request of a county or municipal government, the office or a Quick Permitting County may certify projects located in counties where the ratio of new jobs per participant in the welfare transition program, as determined by Workforce Florida, Inc., is less than one or otherwise critical, as eligible for the expedited permitting process. Such projects must meet the numerical job creation criteria of this subsection, but the jobs created by the project do not have to be high-wage jobs that diversify the state's economy.

(d) Projects located in a designated brownfield area are eligible for the expedited permitting process.

(e) Projects that are part of the state-of-the-art biomedical research institution and campus to be established in this state by the grantee under s. 288.955 are eligible for the expedited permitting process, if the projects are designated as part of the institution or campus by the board of county commissioners of the county in which the institution and campus are established.

(f) Projects resulting in the production of biofuels cultivated on lands that are 1,000 acres or more or in the construction of a biofuel or biodiesel processing facility or a facility generating renewable energy, as defined in s. 366.91(2)(d), are eligible for the expedited permitting process.

(4) The regional teams shall be established through the execution of memoranda of agreement developed by the applicant and the secretary, with input solicited from ~~between~~ the office and the respective heads of ~~the Department of Environmental Protection,~~ the Department of Community Affairs, the Department of Transportation and its district offices, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, appropriate regional planning councils, appropriate water management districts, and voluntarily participating municipalities and counties. The memoranda of agreement should also accommodate participation in this expedited process by other local governments and federal agencies as circumstances warrant.

(5) In order to facilitate local government's option to participate in this expedited review process, the secretary ~~office~~ shall, in cooperation with local governments and participating state agencies, create a standard form memorandum of agreement. A local government shall hold a duly noticed public workshop to review and explain to the public the expedited permitting process and the terms and conditions of the standard form memorandum of agreement.

(6) The local government shall hold a duly noticed public hearing to execute a memorandum of agreement for each qualified project. Notwithstanding any other provision of law, and at the option of the local government, the workshop provided for in subsection (5) may be conducted on the same date as the public hearing held under this subsection. The memorandum of agreement that a local government signs shall include a provision identifying necessary local government procedures and time limits that will be modified to allow for the local government decision on the project within 90 days. The memorandum of agreement applies to projects, on a case-by-case basis, that qualify for special review and approval as specified in this section. The memorandum of agreement must make it clear that this expedited permitting and review process does not modify, qualify, or otherwise alter existing local government nonprocedural standards for permit applications, unless expressly authorized by law.

(7) At the option of the participating local government, Appeals of local government comprehensive plan approvals ~~its final approval~~ may be pursuant to the summary hearing provisions of s. 120.574, pursuant to subsection (14), and consolidated with the challenge of any applicable state agency actions or pursuant to other appellate processes available to the local

government. The local government's decision to enter into a summary hearing must be made as provided in s. 120.574 or in the memorandum of agreement.

(8) Each memorandum of agreement shall include a process for final agency action on permit applications and local comprehensive plan amendment approvals within 90 days after receipt of a completed application, unless the applicant agrees to a longer time period or the secretary office determines that unforeseen or uncontrollable circumstances preclude final agency action within the 90-day timeframe. Permit applications governed by federally delegated or approved permitting programs whose requirements would prohibit or be inconsistent with the 90-day timeframe are exempt from this provision, but must be processed by the agency with federally delegated or approved program responsibility as expeditiously as possible.

(9) The secretary office shall inform the Legislature by October 1 of each year which agencies have not entered into or implemented an agreement and identify any barriers to achieving success of the program.

(10) The memoranda of agreement may provide for the waiver or modification of procedural rules prescribing forms, fees, procedures, or time limits for the review or processing of permit applications under the jurisdiction of those agencies that are party to the memoranda of agreement. Notwithstanding any other provision of law to the contrary, a memorandum of agreement must to the extent feasible provide for proceedings and hearings otherwise held separately by the parties to the memorandum of agreement to be combined into one proceeding or held jointly and at one location. Such waivers or modifications shall not be available for permit applications governed by federally delegated or approved permitting programs, the requirements of which would prohibit, or be inconsistent with, such a waiver or modification.

(11) The standard form for memoranda of agreement shall include guidelines to be used in working with state, regional, and local permitting authorities. Guidelines may include, but are not limited to, the following:

(a) A central contact point for filing permit applications and local comprehensive plan amendments and for obtaining information on permit and local comprehensive plan amendment requirements;

(b) Identification of the individual or individuals within each respective agency who will be responsible for processing the expedited permit application or local comprehensive plan amendment for that agency;

(c) A mandatory preapplication review process to reduce permitting conflicts by providing guidance to applicants regarding the permits needed from each agency and governmental entity, site planning and development, site suitability and limitations, facility design, and steps the applicant can take to ensure expeditious permit application and local comprehensive plan amendment review. As a part of this process, the first interagency meeting to discuss a project shall be held within 14 days after the secretary's office's determination that the project is eligible for expedited review. Subsequent interagency meetings may be scheduled to accommodate the needs of participating local governments that are unable to meet public notice requirements for executing a memorandum of agreement within this timeframe. This accommodation may not exceed 45 days from the secretary's office's determination that the project is eligible for expedited review;

(d) The preparation of a single coordinated project description form and checklist and an agreement by state and regional agencies to reduce the burden on an applicant to provide duplicate information to multiple agencies;

(e) Establishment of a process for the adoption and review of any comprehensive plan amendment needed by any certified project within 90 days after the submission of an application for a comprehensive plan amendment. However, the memorandum of agreement may not prevent affected persons as defined in s. 163.3184 from appealing or participating in this expedited plan amendment process and any review or appeals of decisions made under this paragraph; and

(f) Additional incentives for an applicant who proposes a project that provides a net ecosystem benefit.

(12) The applicant, the regional permit action team, and participating local governments may agree to incorporate into a single document the permits, licenses, and approvals that are obtained through the expedited permit process. This consolidated permit is subject to the summary hearing provisions set forth in subsection (14).

(13) Notwithstanding any other provisions of law:

(a) Local comprehensive plan amendments for projects qualified under this section are exempt from the twice-a-year limits provision in s. 163.3187; and

(b) Projects qualified under this section are not subject to interstate highway level-of-service standards adopted by the Department of Transportation for concurrency purposes. The memorandum of agreement specified in subsection (5) must include a process by which the applicant will be assessed a fair share of the cost of mitigating the project's significant traffic impacts, as defined in chapter 380 and related rules. The agreement must also specify whether the significant traffic impacts on the interstate system will be mitigated through the implementation of a project or payment of funds to the Department of Transportation. Where funds are paid, the Department of Transportation must include in the 5-year work program transportation projects or project phases, in an amount equal to the funds received, to mitigate the traffic impacts associated with the proposed project.

(14)(a) Challenges to state agency action in the expedited permitting process for projects processed under this section are subject to the summary hearing provisions of s. 120.574, except that the administrative law judge's decision, as provided in s. 120.574(2)(f), shall be in the form of a recommended order and shall not constitute the final action of the state agency. In those proceedings where the action of only one agency of the state other than the Department of Environmental Protection is challenged, the agency of the state shall issue the final order within 45 +0 working days after of receipt of the administrative law judge's recommended order, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. In those proceedings where the actions of more than one agency of the state are challenged, the Governor shall issue the final order within 45 +0 working days after of receipt of the administrative law judge's recommended order, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. This paragraph does not apply to the issuance of department licenses required under any federally delegated or approved permit program. In such instances, the department shall enter the final order. The participating agencies of the state may opt at the preliminary hearing conference to allow the administrative law judge's decision to constitute the final agency action. If a participating local government agrees to participate in the summary hearing provisions of s. 120.574 for purposes of review of local government comprehensive plan amendments, s. 163.3184(9) and (10) apply.

(b) Projects identified in paragraph (3)(f) or challenges to state agency action in the expedited permitting process for establishment of a state-of-the-art biomedical research institution and campus in this state by the grantee under s. 288.955 are subject to the same requirements as challenges brought under paragraph (a), except that, notwithstanding s. 120.574, summary proceedings must be conducted within 30 days after a party files the motion for summary hearing, regardless of whether the parties agree to the summary proceeding.

(15) The office, working with the agencies providing cooperative assistance and input regarding participating in the memoranda of agreement, shall review sites proposed for the location of facilities eligible for the Innovation Incentive Program under s. 288.1089. Within 20 days after the request for the review by the office, the agencies shall provide to the office a statement as to each site's necessary permits under local, state, and federal law and an identification of significant permitting issues, which if unresolved, may result in the denial of an agency permit or approval or any significant delay caused by the permitting process.

(16) This expedited permitting process shall not modify, qualify, or otherwise alter existing agency nonprocedural standards for permit applications or local comprehensive plan amendments, unless expressly authorized by law. If it is determined that the applicant is not eligible to use this process, the applicant may apply for permitting of the project through the normal permitting processes.

(17) The office shall be responsible for certifying a business as eligible for undergoing expedited review under this section. Enterprise Florida, Inc., a county or municipal government, or the Rural Economic Development

Initiative may recommend to the Office of Tourism, Trade, and Economic Development that a project meeting the minimum job creation threshold undergo expedited review.

(18) The office, working with the Rural Economic Development Initiative and the agencies participating in the memoranda of agreement, shall provide technical assistance in preparing permit applications and local comprehensive plan amendments for counties having a population of fewer less than 75,000 residents, or counties having fewer than 125,000 100,000 residents which are contiguous to counties having fewer than 75,000 residents. Additional assistance may include, but not be limited to, guidance in land development regulations and permitting processes, working cooperatively with state, regional, and local entities to identify areas within these counties which may be suitable or adaptable for preclearance review of specified types of land uses and other activities requiring permits.

(19) The following projects are ineligible for review under this part:

(a) A project funded and operated by a local government, as defined in s. 377.709, and located within that government's jurisdiction.

(b) A project, the primary purpose of which is to:

1. Effect the final disposal of solid waste, biomedical waste, or hazardous waste in this state.

2. Produce electrical power, unless the production of electricity is incidental and not the primary function of the project or the electrical power is derived from a fuel source for renewable energy as defined in s. 366.91(2)(d).

3. Extract natural resources.

4. Produce oil.

5. Construct, maintain, or operate an oil, petroleum, natural gas, or sewage pipeline.

TITLE AMENDMENT

Between lines 208 and 209, insert:

amending ss. 220.1845 and 376.30781, F.S.; providing requirements for claiming certain site rehabilitation costs in applications for contaminated site rehabilitation tax credits; conforming cross-references; amending s. 376.85, F.S.; revising requirements for the Department of Environmental Protection's annual report to the Legislature regarding site rehabilitation; amending s. 403.973, F.S.; transferring certain authority over the expedited permitting and comprehensive plan amendment process from the Office of Tourism, Trade, and Economic Development to the Secretary of Environmental Protection; revising job-creation criteria for businesses to qualify to submit permit applications and local comprehensive plan amendments for expedited review; providing that permit applications and local comprehensive plan amendments for specified renewable energy projects are eligible for the expedited permitting process; providing for the establishment of regional permit action teams through the execution of memoranda of agreement developed by permit applicants and the secretary; revising provisions relating to the memoranda of agreement developed by the secretary; providing for the appeal of local government comprehensive plan approvals for projects and requiring such appeals to be consolidated with challenges to state agency actions; requiring recommended orders relating to challenges to state agency actions pursuant to summary hearing provisions to include certain information; extending the deadline for issuance of final orders relating to such challenges; providing for challenges to state agency action related to expedited permitting for specified renewable energy projects; revising provisions relating to the review of sites proposed for the location of facilities eligible for the Innovation Incentive Program; revising criteria for counties eligible to receive technical assistance in preparing permit applications and local comprehensive plan amendments; specifying expedited review eligibility for certain electrical power projects;

Rep. Kreegel moved the adoption of the amendment, which was adopted.

On motion by Rep. T. Williams, the rules were waived and CS for CS for SB 550 was read the third time by title.

THE SPEAKER PRO TEMPORE IN THE CHAIR

The question recurred on the passage of CS for CS for CS for SB 550. The vote was:

Session Vote Sequence: 1069

Representative Reagan in the Chair.

Yeas—76

Abruzzo	Flores	Llorente	Rouson
Ambler	Galvano	Long	Sachs
Aubuchon	Garcia	Lopez-Canera	Sands
Bembry	Gibbons	Mayfield	Saunders
Bernard	Gibson	Nehr	Schultz
Bogdanoff	Glorioso	Pafford	Schwartz
Brandenburg	Grady	Patterson	Skidmore
Braynon	Grimsley	Planas	Snyder
Brisé	Hasner	Porth	Soto
Bullard	Heller	Rader	Steinberg
Cannon	Holder	Randolph	Taylor
Chestnut	Hudson	Reagan	Thompson, G.
Clarke-Reed	Hukill	Reed	Thompson, N.
Cretul	Jenne	Rehwinkel	Vasilinda
Cruz	Jones	Rivera	Thurston
Culp	Kiar	Robaina	Troutman
Domino	Kreegel	Roberson, K.	Waldman
Fetterman	Kriseman	Roberson, Y.	Williams, A.
Fitzgerald	Legg	Rogers	Williams, T.
			Zapata

Nays—37

Adams	Evers	McBurney	Renuart
Adkins	Ford	McKeel	Schenck
Bovo	Frishe	Murzin	Tobia
Boyd	Gaetz	Nelson	Van Zant
Burgin	Gonzalez	O'Toole	Weinstein
Bush	Hays	Plakon	Wood
Carroll	Homan	Poppell	Workman
Dorworth	Hooper	Precourt	
Drake	Horner	Proctor	
Eisnaugle	Kelly	Ray	

Votes after roll call:

Yeas—Anderson

Nays—Coley, Stargel

Yeas to Nays—Ambler

So the bill passed, as amended, and was immediately certified to the Senate.

CS for SB 814—A bill to be entitled An act relating to Lifeline telecommunications service; amending s. 364.10, F.S.; authorizing any commercial mobile radio service provider designated as an eligible telecommunications carrier to offer Lifeline services; authorizing the Department of Children and Family Services, the Department of Education, the Public Service Commission, and the Office of Public Counsel to exchange certain information with eligible telecommunications carriers and certain commercial mobile radio service providers so the carriers and providers can identify and enroll an eligible person in the Lifeline and Link-Up programs; maintaining confidentiality of the information; requiring that the commission, the Department of Children and Family Services, the Office of Public Counsel, and each eligible telecommunications carrier convene a Lifeline Workgroup by a specified date; providing an effective date.

—was read the second time by title. On motion by Rep. A. Williams, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1070

Representative Reagan in the Chair.

Yeas—113

Abruzzo	Fetterman	Kriseman	Rogers
Adams	Fitzgerald	Legg	Rouson
Adkins	Flores	Llorente	Sachs
Ambler	Ford	Long	Sands
Anderson	Fresen	Lopez-Cantera	Saunders
Aubuchon	Frishe	Mayfield	Schenck
Bembry	Gaetz	McBurney	Schultz
Bernard	Galvano	McKeel	Schwartz
Bogdanoff	Garcia	Murzin	Skidmore
Bovo	Gibbons	Nehr	Snyder
Boyd	Gibson	Nelson	Soto
Brandenburg	Glorioso	O'Toole	Steinberg
Braynon	Gonzalez	Pafford	Taylor
Brisé	Grady	Patterson	Thompson, G.
Bullard	Grimsley	Plakon	Thompson, N.
Burgin	Hasner	Poppell	Thurston
Bush	Hays	Porth	Tobia
Cannon	Heller	Precourt	Troutman
Carroll	Holder	Proctor	Van Zant
Chestnut	Homan	Rader	Waldman
Clarke-Reed	Hooper	Randolph	Weinstein
Cretul	Horner	Ray	Williams, A.
Cruz	Hudson	Reagan	Williams, T.
Culp	Hukill	Reed	Wood
Domino	Jenne	Rehwinkel Vasilinda	Workman
Dorworth	Jones	Renuart	Zapata
Drake	Kelly	Robaina	
Eisnaugle	Kiar	Roberson, K.	
Evers	Kreegel	Roberson, Y.	

Nays—None

Votes after roll call:

Yeas—Coley, Crisafulli, Stargel

So the bill passed and was immediately certified to the Senate.

Motion

Rep. Galvano moved that the House revert to the order of business of Bills and Joint Resolutions on Third Reading and take up the following bills: **CS for CS for SB 1736, CS for SB 46, and CS for CS for SB 2044.** The motion was agreed to.

Bills and Joint Resolutions on Third Reading

CS for CS for SB 1736—A bill to be entitled An act relating to unemployment compensation; reviving, readopting, and amending s. 443.1117, F.S.; providing for retroactive application; establishing temporary state extended benefits for weeks of unemployment; revising definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; providing applicability; amending s. 55.204, F.S.; specifying the duration of liens securing the payment of unemployment compensation tax obligations; amending s. 95.091, F.S.; creating an exception to a limit on the duration of tax liens for certain tax liens relating to unemployment compensation taxes; amending s. 213.25, F.S.; authorizing the Department of Revenue to reduce a tax refund or credit owing to a taxpayer to the extent of liability for unemployment compensation taxes; amending s. 443.036, F.S.; revising definitions; conforming cross-references; providing for the treatment of a single-member limited liability company as the employer for purposes of unemployment compensation; amending s. 443.091, F.S.; requiring claimants to register with the Agency for Workforce Innovation and report to the local one-stop career center; specifying exemptions; clarifying that an individual must report regardless of any pending appeals relating to eligibility; amending s. 443.1215, F.S.; conforming a cross-reference; amending s. 443.131, F.S.; conforming provisions to changes made by the act; deleting a requirement for employer response; revising a date triggering the calculating of a positive adjustment factor based on the balance of the Unemployment Compensation Trust Fund; amending s. 443.141, F.S.; providing penalties for erroneous, incomplete, or insufficient reports relating to unemployment compensation taxes; authorizing a waiver of the penalty under certain circumstances; defining a term; authorizing the Agency for Workforce Innovation and the state agency

providing unemployment compensation tax collection services to adopt rules; providing an expiration date for liens for contributions and reimbursements; updating a cross-reference; amending s. 443.151, F.S.; requiring the process for filing a claim to incorporate the process for registering for work with the workforce information system; authorizing the agency to adopt rules; providing for monetary and nonmonetary determinations as part of the notice of claim; requiring employers to respond to a notice of claim within a certain period; providing for chargeability of benefits; providing for rulemaking; limiting collection of overpayments under certain conditions; amending s. 443.163, F.S.; increasing penalties for failing to file Employers Quarterly Reports by means other than approved electronic means; revising the conditions under which the electronic filing requirement may be waived; deleting obsolete provisions related to telefile; amending s. 443.1715, F.S.; specifying that an employer may obtain employee wage information from the agency; amending s. 443.101, F.S.; correcting a cross-reference; providing that the act fulfills an important state interest; providing effective dates.

—was read the third time by title.

Representative Rader offered the following:

(Amendment Bar Code: 915433)

Amendment 1 (with title amendment)—Between lines 197 and 198, insert:

Section 3. Notwithstanding any other provision of law, it is the intent of the Legislature that any provision of s. 443.1117, Florida Statutes, relating to extended unemployment compensation benefits and extending the benefits period be implemented in order to continue extended benefits to all eligible recipients if an Act of Congress continues to provide 100 percent federally funded extended unemployment compensation benefits between May 1, 2010, and the first day of the 2011 Regular Session.

TITLE AMENDMENT

Between lines 8 and 9, insert:

providing legislative intent relating to implementation of extended unemployment compensation benefits;

Rep. Rader moved the adoption of the amendment, which failed to receive the required two-thirds vote for adoption. The vote was:

Session Vote Sequence: 1071

Representative Reagan in the Chair.

Yeas—43

Abruzzo	Cruz	Long	Sands
Bembry	Fetterman	Pafford	Saunders
Bernard	Fitzgerald	Porth	Schwartz
Boyd	Garcia	Rader	Skidmore
Brandenburg	Gibbons	Randolph	Steinberg
Braynon	Gibson	Reed	Taylor
Brisé	Heller	Rehwinkel Vasilinda	Thompson, G.
Bullard	Jenne	Roberson, Y.	Thurston
Bush	Jones	Rogers	Waldman
Chestnut	Kiar	Rouson	Williams, A.
Clarke-Reed	Kriseman	Sachs	

Nays—68

Adams	Cretul	Fresen	Hays
Adkins	Crisafulli	Frishe	Holder
Ambler	Culp	Gaetz	Homan
Anderson	Domino	Galvano	Hooper
Aubuchon	Dorworth	Glorioso	Horner
Bovo	Drake	Gonzalez	Hudson
Burgin	Eisnaugle	Grady	Hukill
Cannon	Evers	Grimsley	Kelly
Carroll	Ford	Hasner	Kreegel

Legg	Nelson	Reagan	Tobia
Llorente	O'Toole	Renuart	Troutman
Lopez-Cantera	Patterson	Robaina	Van Zant
Mayfield	Plakon	Roberson, K.	Weinstein
McBurney	Poppell	Schenck	Williams, T.
McKeel	Precourt	Schultz	Wood
Murzin	Proctor	Snyder	Workman
Nehr	Ray	Thompson, N.	Zapata

Votes after roll call:

Yeas—Soto

Nays—Coley, Stargel

Representative Rader offered the following:

(Amendment Bar Code: 737349)

Amendment 2 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 443.036, Florida Statutes, is amended to read:

443.036 Definitions.—As used in this chapter, the term:

(1) "Able to work" means physically and mentally capable of performing the duties of the occupation in which work is being sought.

(2) "Agricultural labor" means any remunerated service performed:

(a) On a farm, in the employ of any person, in connection with cultivating the soil or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife.

(b) In the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane if the major part of the service is performed on a farm.

(c) In connection with the production or harvesting of any commodity defined as an agricultural commodity in s. 15(g) of the Agricultural Marketing Act, as amended (46 Stat. 1550, s. 3; 12 U.S.C. s. 1141j); the ginning of cotton; or the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

(d)1. In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity, but only if the operator produced more than one-half of the commodity for which the service is performed.

2. In the employ of a group of operators of farms, or a cooperative organization of which the operators are members, in the performance of service described in subparagraph 1., but only if the operators produced more than one-half of the commodity for which the service is performed.

3. Subparagraphs 1. and 2. do not apply to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption or in connection with grading, packing, packaging, or processing fresh citrus fruits.

(e) On a farm operated for profit if the service is not in the course of the employer's trade or business.

(3) "Alternative base period" means the last four completed calendar quarters immediately preceding the first day of an individual's benefit year.

(4)(3) "American aircraft" means an aircraft registered under the laws of the United States.

(5)(4) "American employer" means:

(a) An individual who is a resident of the United States.

(b) A partnership, if two-thirds or more of the partners are residents of the United States.

(c) A trust, if each of the trustees is a resident of the United States.

(d) A corporation organized under the laws of the United States or of any state.

(6)(5) "American vessel" means any vessel documented or numbered under the laws of the United States. The term includes any vessel that is neither documented or numbered under the laws of the United States, nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.

(7)(6) "Available for work" means actively seeking and being ready and willing to accept suitable employment.

(8)(7) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year. If the Agency for Workforce Innovation determines, pursuant to s. 443.091(1)(f), that an alternative base period will be used, the term has the same meaning as the alternative base period.

(9)(8) "Benefits" means the money payable to an individual, as provided in this chapter, for his or her unemployment.

(10)(9) "Benefit year" means, for an individual, the 1-year period beginning with the first day of the first week for which the individual first files a valid claim for benefits and, thereafter, the 1-year period beginning with the first day of the first week for which the individual next files a valid claim for benefits after the termination of his or her last preceding benefit year. Each claim for benefits made in accordance with s. 443.151(2) is a "valid claim" under this subsection if the individual was paid wages for insured work in accordance with the provisions of s. 443.091(1)(f) and is unemployed as defined in subsection (46) (43) at the time of filing the claim. However, the Agency for Workforce Innovation may adopt rules providing for the establishment of a uniform benefit year for all workers in one or more groups or classes of service or within a particular industry when the agency determines, after notice to the industry and to the workers in the industry and an opportunity to be heard in the matter, that those groups or classes of workers in a particular industry periodically experience unemployment resulting from layoffs or shutdowns for limited periods of time.

(11)(40) "Calendar quarter" means each period of 3 consecutive calendar months ending on March 31, June 30, September 30, and December 31 of each year.

(12)(44) "Casual labor" means labor that is occasional, incidental, or irregular, not exceeding 200 person-hours in total duration. As used in this subsection, the term "duration" means the period of time from the commencement to the completion of the particular job or project. Services performed by an employee for his or her employer during a period of 1 calendar month or any 2 consecutive calendar months, however, are deemed to be casual labor only if the service is performed on 10 or fewer calendar days, regardless of whether those days are consecutive. If any of the services performed by an individual on a particular labor project are not casual labor, each of the services performed by the individual on that job or project may not be deemed casual labor. Services must constitute casual labor and may not be performed in the course of the employer's trade or business for those services to be exempt under this section.

(13)(42) "Commission" means the Unemployment Appeals Commission.

(14)(43) "Contributing employer" means an employer who is liable for contributions under this chapter.

(15)(44) "Contribution" means a payment of payroll tax to the Unemployment Compensation Trust Fund which is required under this chapter to finance unemployment benefits.

(16)(45) "Crew leader" means an individual who:

(a) Furnishes individuals to perform service in agricultural labor for another person.

(b) Pays, either on his or her own behalf or on behalf of the other person, the individuals furnished by him or her for the service in agricultural labor performed by those individuals.

(c) Has not entered into a written agreement with the other person under which the individual is designated as an employee of the other person.

(17)(46) "Earned income" means gross remuneration derived from work, professional service, or self-employment. The term includes commissions, bonuses, back pay awards, and the cash value of all remuneration paid in a medium other than cash. The term does not include income derived from invested capital or ownership of property.

~~(18)(17)~~ "Educational institution" means an institution, except for an institution of higher education:

(a) In which participants, trainees, or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes, or abilities from, by, or under the guidance of, an instructor or teacher;

(b) That is approved, licensed, or issued a permit to operate as a school by the Department of Education or other governmental agency that is authorized within the state to approve, license, or issue a permit for the operation of a school; and

(c) That offers courses of study or training which are academic, technical, trade, or preparation for gainful employment in a recognized occupation.

~~(19)(18)~~ "Employee leasing company" means an employing unit that has a valid and active license under chapter 468 and that maintains the records required by s. 443.171(5) and, in addition, is responsible for producing quarterly reports concerning the clients of the employee leasing company and the internal staff of the employee leasing company. As used in this subsection, the term "client" means a party who has contracted with an employee leasing company to provide a worker, or workers, to perform services for the client. Leased employees include employees subsequently placed on the payroll of the employee leasing company on behalf of the client. An employee leasing company must notify the tax collection service provider within 30 days after the initiation or termination of the company's relationship with any client company under chapter 468.

~~(20)(19)~~ "Employer" means an employing unit subject to this chapter under s. 443.1215.

~~(21)(20)~~ "Employing unit" means an individual or type of organization, including a partnership, limited liability company, association, trust, estate, joint-stock company, insurance company, or corporation, whether domestic or foreign; the receiver, trustee in bankruptcy, trustee, or successor of any of the foregoing; or the legal representative of a deceased person, which has or had in its employ one or more individuals performing services for it within this state.

(a) Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit is deemed to be employed by the employing unit for the purposes of this chapter, regardless of whether the individual was hired or paid directly by the employing unit or by an agent or employee of the employing unit, if the employing unit had actual or constructive knowledge of the work.

(b) Each individual performing services in this state for an employing unit maintaining at least two separate establishments in this state is deemed to be performing services for a single employing unit for the purposes of this chapter.

(c) A person who is an officer of a corporation, or a member of a limited liability company classified as a corporation for federal income tax purposes, and who performs services for the corporation or limited liability company in this state, regardless of whether those services are continuous, is deemed an employee of the corporation or the limited liability company during all of each week of his or her tenure of office, regardless of whether he or she is compensated for those services. Services are presumed to be rendered for the corporation in cases in which the officer is compensated by means other than dividends upon shares of stock of the corporation owned by him or her.

(d) A limited liability company shall be treated as having the same status as it is classified for federal income tax purposes.

~~(22)(21)~~ "Employment" means a service subject to this chapter under s. 443.1216 which is performed by an employee for the person employing him or her.

~~(23)(22)~~ "Farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

~~(24)(23)~~ "Fund" means the Unemployment Compensation Trust Fund ~~created under this chapter~~, into which all contributions and reimbursements required under this chapter are deposited and from which all benefits provided under this chapter are paid.

(25) "Good cause" for voluntarily quitting employment, as used in s. 443.101(1)(a), means:

(a) Cause attributable to the employing unit or an illness or disability of the individual that requires separation from work;

(b) Domestic violence, as defined in s. 741.28, verified by reasonable and confidential documentation which causes the individual reasonably to believe that such individual's continued employment would jeopardize his or her safety or the safety of any member of his or her immediate family;

(c) Illness or disability of a member of the individual's immediate family;
or

(d) The individual's need to accompany his or her spouse, if the spouse's relocation resulted from a change in the spouse's employment and if the relocation makes it impractical for the individual to commute to his or her workplace.

~~(26)(24)~~ "High quarter" means the quarter in an individual's base period in which the individual has the greatest amount of wages paid, regardless of the number of employers paying wages in that quarter.

~~(27)(25)~~ "Hospital" means an institution that is licensed, certified, or approved by the Agency for Health Care Administration as a hospital.

~~(28)(26)~~ "Institution of higher education" means an educational institution that:

(a) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of a certificate of graduation;

(b) Is legally authorized in this state to provide a program of education beyond high school;

(c) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program that is acceptable for full credit toward a bachelor's or higher degree; a program of postgraduate or postdoctoral studies; or a program of training to prepare students for gainful employment in a recognized occupation; and

(d) Is a public or other nonprofit institution.

The term includes each community college and state university in this state, and each other institution in this state authorized under s. 1005.03 to use the designation "college" or "university."

~~(29)(27)~~ "Insured work" means employment for employers.

~~(30)(28)~~ "Leave of absence" means a temporary break in service to an employer, for a specified period of time, during which the employing unit guarantees the same or a comparable position to the worker at the expiration of the leave.

(31) "Member of the individual's immediate family" means an individual's spouse, parent, or minor child.

~~(32)(29)~~ "Misconduct" includes, but is not limited to, the following, which may not be construed in pari materia with each other:

(a) Conduct demonstrating willful or wanton disregard of an employer's interests and found to be a deliberate violation or disregard of the standards of behavior which the employer has a right to expect of his or her employee; or

(b) Carelessness or negligence to a degree or recurrence that manifests culpability, wrongful intent, or evil design or shows an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to his or her employer.

~~(33)(30)~~ "Monetary determination" means a determination of whether and in what amount a claimant is eligible for benefits based on the claimant's employment during the base period of the claim.

~~(34)(31)~~ "Nonmonetary determination" means a determination of the claimant's eligibility for benefits based on an issue other than monetary entitlement and benefit overpayment.

~~(35)(32)~~ "Not in the course of the employer's trade or business" means not promoting or advancing the trade or business of the employer.

~~(36)(33)~~ "One-stop career center" means a service site established and maintained as part of the one-stop delivery system under s. 445.009.

~~(37)(34)~~ "Pay period" means a period of 31 or fewer consecutive days for which a payment or remuneration is ordinarily made to the employee by the person employing him or her.

~~(38)(35)~~ "Public employer" means:

(a) A state agency or political subdivision of the state;

(b) An instrumentality that is wholly owned by one or more state agencies or political subdivisions of the state; or

(c) An instrumentality that is wholly owned by one or more state agencies, political subdivisions, or instrumentalities of the state and one or more state agencies or political subdivisions of one or more other states.

~~(39)(36)~~ "Reasonable assurance" means a written or verbal agreement, an agreement between an employer and a worker understood through tradition within the trade or occupation, or an agreement defined in an employer's policy.

~~(40)(37)~~ "Reimbursement" means a payment of money to the Unemployment Compensation Trust Fund in lieu of a contribution ~~which is~~ required under this chapter to finance unemployment benefits.

~~(41)(38)~~ "Reimbursing employer" means an employer who is liable for reimbursements in lieu of contributions under this chapter.

~~(42)(39)~~ "State" includes the states of the United States, the District of Columbia, Canada, the Commonwealth of Puerto Rico, and the Virgin Islands.

~~(43)(40)~~ "State law" means the unemployment insurance law of any state, approved by the United States Secretary of Labor under s. 3304 of the Internal Revenue Code of 1954.

~~(44)(41)~~ "Tax collection service provider" or "service provider" means the state agency providing unemployment tax collection services under contract with the Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316.

~~(45)(42)~~ "Temporary layoff" means a job separation due to lack of work which does not exceed 8 consecutive weeks and which has a fixed or approximate return-to-work date.

~~(46)(43)~~ "Unemployment" means:

(a) An individual is "totally unemployed" in any week during which he or she does not perform any services and for which earned income is not payable to him or her. An individual is "partially unemployed" in any week of less than full-time work if the earned income payable to him or her for that week is less than his or her weekly benefit amount. The Agency for Workforce Innovation may adopt rules prescribing distinctions in the procedures for unemployed individuals based on total unemployment, part-time unemployment, partial unemployment of individuals attached to their regular jobs, and other forms of short-time work.

(b) An individual's week of unemployment commences only after his or her registration with the Agency for Workforce Innovation as required in s. 443.091, except as the agency may otherwise prescribe by rule.

~~(47)(44)~~ "Wages" means remuneration subject to this chapter under s. 443.1217.

~~(48)(45)~~ "Week" means a period of 7 consecutive days as defined in the rules of the Agency for Workforce Innovation. The Agency for Workforce Innovation may by rule prescribe that a week is deemed to be "in," "within," or "during" the benefit year that contains the greater part of the week.

Section 2. Paragraphs (c) and (f) of subsection (1) of section 443.091, Florida Statutes, are amended to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual is eligible to receive benefits for any week only if the Agency for Workforce Innovation finds that:

~~(c)–~~ She or he is able to work and is available for work. In order to assess eligibility for a claimed week of unemployment, the Agency for Workforce Innovation shall develop criteria to determine a claimant's ability to work and availability for work.

1. Notwithstanding any other provision of this paragraph, an otherwise eligible individual may not be found ineligible for benefits if she or he is available for part-time work. For purposes of this subparagraph, "available for part-time work" means the claimant is available for a number of weekly hours that are comparable to the number of hours the individual worked during the majority of the base period of her or his claim.

2. Notwithstanding any other provision of this paragraph or paragraphs (b) and (d), an otherwise eligible individual may not be denied benefits for any week because she or he is in training with the approval of the Agency for Workforce Innovation, and such an individual may not be denied benefits for any week in which she or he is in training with the approval of the Agency for Workforce Innovation by reason of subparagraph 1. relating to availability for work, or s. 443.101(2) relating to failure to apply for, or refusal to accept, suitable work. Training may be approved by the Agency for Workforce Innovation in accordance with criteria prescribed by rule. A claimant's

eligibility during approved training is contingent upon satisfying eligibility conditions prescribed by rule.

3. Notwithstanding any other provision of this chapter, an otherwise eligible individual who is in training approved under s. 236(a)(1) of the Trade Act of 1974, as amended, may not be determined to be ineligible or disqualified for benefits with respect to her or his enrollment in such training or because of leaving work that is not suitable employment to enter such training. As used in this subparagraph, the term "suitable employment" means, for a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, as defined for purposes of the Trade Act of 1974, as amended, the wages for which are at least 80 percent of the worker's average weekly wage as determined for purposes of the Trade Act of 1974, as amended.

4. Notwithstanding any other provision of this section, an otherwise eligible individual may not be denied benefits for any week by reason of subparagraph 1. because she or he is before any court of the United States or any state under a lawfully issued summons to appear for jury duty.

(f) She or he has been paid wages for insured work equal to 1.5 times her or his high quarter wages during her or his base period, except that an unemployed individual is not eligible to receive benefits if the base period wages are less than \$3,400. If a worker is ineligible for benefits based on base period wages, wages for that worker must be calculated using an alternative base period and the worker must have the opportunity to choose whether to establish a claim using such wages. Wages may be computed for an alternative base period in cases in which base period wages are inadequate to establish eligibility under this section and only for benefit years that commence on or after January 1, 2010. Wages used to establish a monetarily eligible benefit year may not be used to establish monetary eligibility in a subsequent benefit year.

Section 3. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 443.101, Florida Statutes, are amended to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(1)(a) For the week in which he or she has voluntarily left his or her work without good cause attributable to his or her employing unit or in which the individual has been discharged by his or her employing unit for misconduct connected with his or her work, based on a finding by the Agency for Workforce Innovation. As used in this paragraph, the term "work" means any work, whether full-time, part-time, or temporary.

1. Disqualification for voluntarily quitting continues for the full period of unemployment next ensuing after he or she has left his or her full-time, part-time, or temporary work voluntarily without good cause and until the individual has earned income equal to or in excess of 17 times his or her weekly benefit amount. As used in this subsection, the term "good cause" has the same meaning as in s. 443.036(25) includes only that cause attributable to the employing unit or which consists of illness or disability of the individual requiring separation from his or her work. Any other disqualification may not be imposed. An individual is not disqualified under this subsection for voluntarily leaving temporary work to return immediately when called to work by the permanent employing unit that temporarily terminated his or her work within the previous 6 calendar months. For benefit years beginning on or after July 1, 2004, an individual is not disqualified under this subsection for voluntarily leaving work to relocate as a result of his or her military-connected spouse's permanent change of station orders, activation orders, or unit deployment orders.

2. Disqualification for being discharged for misconduct connected with his or her work continues for the full period of unemployment next ensuing after having been discharged and until the individual has become reemployed and has earned income of at least 17 times his or her weekly benefit amount and for not more than 52 weeks that immediately follow that week, as determined by the Agency for Workforce Innovation in each case according to the circumstances in each case or the seriousness of the misconduct, under the agency's rules adopted for determinations of disqualification for benefits for misconduct.

3. When an individual has provided notification to the employing unit of his or her intent to voluntarily leave work and the employing unit discharges the individual for reasons other than misconduct prior to the date the voluntary

quit was to take effect, the individual, if otherwise entitled, will receive benefits from the date of the employer's discharge until the effective date of his or her voluntary quit.

4. When an individual is notified by the employing unit of the employer's intent to discharge the individual for reasons other than misconduct and the individual quits without good cause, as defined in this section, prior to the date the discharge was to take effect, the claimant is ineligible for benefits pursuant to s. 443.091(1)(c) for failing to be available for work for the week or weeks of unemployment occurring prior to the effective date of the discharge.

(2) If the Agency for Workforce Innovation finds that the individual has failed without good cause to apply for available suitable work when directed by the agency or the one-stop career center, to accept suitable work when offered to him or her, or to return to the individual's customary self-employment when directed by the agency, the disqualification continues for the full period of unemployment next ensuing after he or she failed without good cause to apply for available suitable work, to accept suitable work, or to return to his or her customary self-employment, under this subsection, and until the individual has earned income at least 17 times his or her weekly benefit amount. The Agency for Workforce Innovation shall by rule adopt criteria for determining the "suitability of work," as used in this section. The Agency for Workforce Innovation in developing these rules shall consider the duration of a claimant's unemployment in determining the suitability of work and the suitability of proposed rates of compensation for available work. Further, after an individual has received 25 weeks of benefits in a single year, suitable work is a job that pays the minimum wage and is 120 percent or more of the weekly benefit amount the individual is drawing.

(a) In determining whether or not any work is suitable for an individual, the Agency for Workforce Innovation shall consider the degree of risk involved to the individual's ~~his or her~~ health, safety, and morals; the individual's ~~his or her~~ physical fitness, and prior training; the individual's ~~the individual's~~ experience, and prior earnings; his or her ~~his or her~~ length of unemployment, and prospects for securing local work in his or her customary occupation; and the distance of the available work from the individual's ~~his or her~~ residence. An unemployed individual may not be disqualified for benefits solely because he or she is available for only part-time work. For purposes of this paragraph, "available for part-time work" means the claimant is available for a number of weekly hours that are comparable to the number of hours the individual worked during the majority of the base period of his or her claim.

Section 4. Paragraph (a) of subsection (1) and paragraph (f) of subsection (13) of section 443.1216, Florida Statutes, are amended to read:

443.1216 Employment.—Employment, as defined in s. 443.036, is subject to this chapter under the following conditions:

(1)(a) The employment subject to this chapter includes a service performed, including a service performed in interstate commerce, by:

1. An officer of a corporation.

2. An individual who, under the usual common-law rules applicable in determining the employer-employee relationship, is an employee. However, whenever a client, as defined in s. 443.036(19)(48), which would otherwise be designated as an employing unit has contracted with an employee leasing company to supply it with workers, those workers are considered employees of the employee leasing company. An employee leasing company may lease corporate officers of the client to the client and other workers to the client, except as prohibited by regulations of the Internal Revenue Service. Employees of an employee leasing company must be reported under the employee leasing company's tax identification number and contribution rate for work performed for the employee leasing company.

a. In addition to any other report required to be filed by law, an employee leasing company shall submit a report to the Labor Market Statistics Center within the Agency for Workforce Innovation which includes each client establishment and each establishment of the employee leasing company, or as otherwise directed by the agency. The report must include the following information for each establishment:

(I) The trade or establishment name;

(II) The former unemployment compensation account number, if available;

(III) The former federal employer's identification number (FEIN), if available;

(IV) The industry code recognized and published by the United States Office of Management and Budget, if available;

(V) A description of the client's primary business activity in order to verify or assign an industry code;

(VI) The address of the physical location;

(VII) The number of full-time and part-time employees who worked during, or received pay that was subject to unemployment compensation taxes for, the pay period including the 12th of the month for each month of the quarter;

(VIII) The total wages subject to unemployment compensation taxes paid during the calendar quarter;

(IX) An internal identification code to uniquely identify each establishment of each client;

(X) The month and year that the client entered into the contract for services; and

(XI) The month and year that the client terminated the contract for services.

b. The report shall be submitted electronically or in a manner otherwise prescribed by the Agency for Workforce Innovation in the format specified by the Bureau of Labor Statistics of the United States Department of Labor for its Multiple Worksite Report for Professional Employer Organizations. The report must be provided quarterly to the Labor Market Statistics Center within the Agency for Workforce Innovation, or as otherwise directed by the agency, and must be filed by the last day of the month immediately following the end of the calendar quarter. The information required in sub-sub-paragraphs a.(X) and (XI) need be provided only in the quarter in which the contract to which it relates was entered into or terminated. The sum of the employment data and the sum of the wage data in this report must match the employment and wages reported in the unemployment compensation quarterly tax and wage report. A report is not required for any calendar quarter preceding the third calendar quarter of 2010.

c. The Agency for Workforce Innovation shall adopt rules as necessary to administer this subparagraph, and may administer, collect, enforce, and waive the penalty imposed by s. 443.141(1)(b) for the report required by this subparagraph.

d. For the purposes of this subparagraph, the term "establishment" means any location where business is conducted or where services or industrial operations are performed.

3. An individual other than an individual who is an employee under subparagraph 1. or subparagraph 2., who performs services for remuneration for any person:

a. As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages other than milk, or laundry or drycleaning services for his or her principal.

b. As a traveling or city salesperson engaged on a full-time basis in the solicitation on behalf of, and the transmission to, his or her principal of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations. This sub-subparagraph does not apply to an agent-driver, or a commission-driver and does not apply to sideline sales activities performed on behalf of a person other than the salesperson's principal.

4. The services described in subparagraph 3. are employment subject to this chapter only if:

a. The contract of service contemplates that substantially all of the services are to be performed personally by the individual;

b. The individual does not have a substantial investment in facilities used in connection with the services, other than facilities used for transportation; and

c. The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(13) The following are exempt from coverage under this chapter:

(f) Service performed in the employ of a public employer as defined in s. 443.036, except as provided in subsection (2), and service performed in the employ of an instrumentality of a public employer as described in s.

443.036(38)(35)(b) or (c), to the extent that the instrumentality is immune under the United States Constitution from the tax imposed by s. 3301 of the Internal Revenue Code for that service.

Section 5. Paragraph (f) of subsection (3) of section 443.131, Florida Statutes, is amended to read:

443.131 Contributions.—

(3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(f) Transfer of employment records.—

1. For the purposes of this subsection, two or more employers who are parties to a transfer of business or the subject of a merger, consolidation, or other form of reorganization, effecting a change in legal identity or form, are deemed a single employer and are considered to be one employer with a continuous employment record if the tax collection service provider finds that the successor employer continues to carry on the employing enterprises of all of the predecessor employers and that the successor employer has paid all contributions required of and due from all of the predecessor employers and has assumed liability for all contributions that may become due from all of the predecessor employers. In addition, An employer may not be considered a successor under this subparagraph if the employer purchases a company with a lower rate into which employees with job functions unrelated to the business endeavors of the predecessor are transferred for the purpose of acquiring the low rate and avoiding payment of contributions. As used in this paragraph, Notwithstanding s. 443.036(15)(14), the term "contributions" means all indebtedness to the tax collection service provider, including, but not limited to, interest, penalty, collection fee, and service fee. A successor employer must accept the transfer of all of the predecessor employers' employment records within 30 days after the date of the official notification of liability by succession. If a predecessor employer has unpaid contributions or outstanding quarterly reports, the successor employer must pay the total amount with certified funds within 30 days after the date of the notice listing the total amount due. After the total indebtedness is paid, the tax collection service provider shall transfer the employment records of all of the predecessor employers to the successor employer's employment record. The tax collection service provider shall determine the contribution rate of the combined successor and predecessor employers upon the transfer of the employment records, as prescribed by rule, in order to calculate any change in the contribution rate resulting from the transfer of the employment records.

2. Regardless of whether a predecessor employer's employment record is transferred to a successor employer under this paragraph, the tax collection service provider shall treat the predecessor employer, if he or she subsequently employs individuals, as an employer without a previous employment record or, if his or her coverage is terminated under s. 443.121, as a new employing unit.

3. The state agency providing unemployment tax collection services may adopt rules governing the partial transfer of experience rating when an employer transfers an identifiable and segregable portion of his or her payrolls and business to a successor employing unit. As a condition of each partial transfer, these rules must require the following to be filed with the tax collection service provider: an application by the successor employing unit, an agreement by the predecessor employer, and the evidence required by the tax collection service provider to show the benefit experience and payrolls attributable to the transferred portion through the date of the transfer. These rules must provide that the successor employing unit, if not an employer subject to this chapter, becomes an employer as of the date of the transfer and that the transferred portion of the predecessor employer's employment record is removed from the employment record of the predecessor employer. For each calendar year after the date of the transfer of the employment record in the records of the tax collection service provider, the service provider shall compute the contribution rate payable by the successor employer or employing unit based on his or her employment record, combined with the transferred portion of the predecessor employer's employment record. These rules may also prescribe what contribution rates are payable by the predecessor and successor employers for the period between the date of the transfer of the transferred portion of the predecessor employer's employment record in the records of the tax collection service provider and the first day of the next calendar year.

4. This paragraph does not apply to an employee leasing company and client contractual agreement as defined in s. 443.036. The tax collection service provider shall, if the contractual agreement is terminated or the employee leasing company fails to submit reports or pay contributions as required by the service provider, treat the client as a new employer without previous employment record unless the client is otherwise eligible for a variation from the standard rate.

Section 6. Subsection (3) of section 443.151, Florida Statutes, is amended to read:

443.151 Procedure concerning claims.—

(3) DETERMINATION.—

(a) In general.—The Agency for Workforce Innovation shall promptly make an initial determination for each claim filed under subsection (2). The determination must include a statement of whether and in what amount the claimant is entitled to benefits, and, in the event of a denial, must state the reasons for the denial. A determination for the first week of a benefit year must also include a statement of whether the claimant was paid the wages required under s. 443.091(1)(f) and, if so, the first day of the benefit year, the claimant's weekly benefit amount, and the maximum total amount of benefits payable to the claimant for a benefit year. The Agency for Workforce Innovation shall promptly notify the claimant, the claimant's most recent employing unit, and all employers whose employment records are liable for benefits under the determination of the initial determination. The determination is final unless within 20 days after the mailing of the notices to the parties' last known addresses, or in lieu of mailing, within 20 days after the delivery of the notices, an appeal or written request for reconsideration is filed by the claimant or other party entitled to notice.

(b) Determinations involving an alternative base period.— If, in the case of a claim for benefits involving an alternative base period under s. 443.091(1)(f), the Agency for Workforce Innovation is unable to access wage information through the database of its tax collection service provider, the agency shall request the information from the employer by mail. The employer must provide the requested information within 10 days after the agency mails the request. If wage information is unavailable, the agency may base the determination on an affidavit submitted by the individual attesting to his or her wages for those calendar quarters. The individual must furnish payroll information, if available, in support of the affidavit. Benefits based on an alternative base period must be adjusted if the quarterly report of wage information received from the employer under s. 443.141 results in a change in the monetary determination.

(c)(b) Determinations in labor dispute cases.—Whenever any claim involves a labor dispute described in s. 443.101(4), the Agency for Workforce Innovation shall promptly assign the claim to a special examiner who shall make a determination on the issues involving unemployment due to the labor dispute. The special examiner shall make the determination after an investigation, as necessary. The claimant or another party entitled to notice of the determination may appeal a determination under subsection (4).

(d)(e) Redeterminations.—

1. The Agency for Workforce Innovation may reconsider a determination when it finds an error or when new evidence or information pertinent to the determination is discovered after a prior determination or redetermination. A redetermination may not be made more than 1 year after the last day of the benefit year unless the disqualification for making a false or fraudulent representation in s. 443.101(6) is applicable, in which case the redetermination may be made within 2 years after the false or fraudulent representation. The Agency for Workforce Innovation must promptly give notice of redetermination to the claimant and to any employers entitled to notice in the manner prescribed in this section for the notice of an initial determination. If the amount of benefits is increased by the redetermination, an appeal of the redetermination based solely on the increase may be filed as provided in subsection (4). If the amount of benefits is decreased by the redetermination, the redetermination may be appealed by the claimant when a subsequent claim for benefits is affected in amount or duration by the redetermination. If the final decision on the determination or redetermination to be reconsidered was made by an appeals referee, the commission, or a court, the Agency for Workforce Innovation may apply for a revised decision from the body or court that made the final decision.

2. If an appeal of an original determination is pending when a redetermination is issued, the appeal unless withdrawn is treated as an appeal from the redetermination.

(c)(4) Notice of determination or redetermination.—Notice of any monetary or nonmonetary determination or redetermination under this chapter, together with the reasons for the determination or redetermination, must be promptly given to the claimant and to any employer entitled to notice in the manner provided in this subsection. The Agency for Workforce Innovation shall adopt rules prescribing the manner and procedure by which employers within the base period of a claimant become entitled to notice.

Section 7. This act shall take effect July 1, 2010.

TITLE AMENDMENT

Remove the entire title and insert:

A bill to be entitled

An act relating to unemployment compensation; amending s. 443.036, F.S.; defining the terms "alternative base period," "good cause," and "member of the individual's immediate family"; redefining the term "base period"; amending s. 443.091, F.S.; revising the requirements for eligibility to receive benefits; prohibiting a determination of ineligibility based solely on the number of weekly hours an unemployed individual is available to work when those hours are comparable to the number of hours the individual worked during the majority of the base period of his or her claim; providing for an alternative base period after a certain date; amending s. 443.101, F.S.; revising the definition of "good cause"; prohibiting disqualification for unemployment benefits based solely on the unemployed individual's availability for only part-time work under certain circumstances; amending ss. 443.1216 and 443.131, F.S.; conforming cross-references; amending s. 443.151, F.S.; requiring an employer to provide wage information to support an individual's eligibility for benefits involving an alternative base period; authorizing the Agency for Workforce Innovation to accept an affidavit from the claimant to support eligibility for such benefits; providing an effective date.

Rep. Rader moved the adoption of the amendment.

Point of Order

Rep. Lopez-Cantera raised a point of order, under Rule 12.9(c), that the amendment was out of order because it was the principal substance of HB 741, a bill that had not been reported favorably by at least one council or committee of reference.

The Chair [Speaker pro tempore Reagan] referred the point to Rep. Galvano, Chair of the Rules & Calendar Council, for a recommendation.

Rep. Galvano, Chair of the Rules & Calendar Council, in speaking to the point of order on Amendment 2 to CS for CS for SB 1736, recommended that the point be well taken.

The Chair [Speaker pro tempore Reagan], upon the recommendation of Rep. Galvano, Chair of the Rules & Calendar Council, ruled the point well taken and the amendment out of order.

Motion

Rep. G. Thompson moved to waive Rule 12.9(c), notwithstanding the ruling on the point of order. The motion was not agreed to.

The question recurred on the passage of **CS for CS for SB 1736**. The vote was:

Session Vote Sequence: 1072

Representative Reagan in the Chair.

Yeas—113

Abruzzo	Evers	Legg	Rouson
Adams	Fetterman	Llorente	Sachs
Adkins	Fitzgerald	Long	Sands
Ambler	Flores	Lopez-Cantera	Saunders
Anderson	Ford	Mayfield	Schenck
Aubuchon	Fresen	McBurney	Schultz
Bembry	Frishe	McKeel	Schwartz
Bernard	Galvano	Murzin	Skidmore
Bogdanoff	Garcia	Nehr	Snyder
Bovo	Gibbons	Nelson	Soto
Boyd	Gibson	O'Toole	Stargel
Brandenburg	Glorioso	Pafford	Steinberg
Braynon	Gonzalez	Patterson	Taylor
Brisé	Grimsley	Plakon	Thompson, G.
Bullard	Hasner	Planas	Thompson, N.
Burgin	Hays	Poppell	Thurston
Bush	Heller	Porth	Tobia
Cannon	Holder	Precourt	Troutman
Carroll	Homan	Proctor	Van Zant
Chestnut	Hooper	Rader	Waldman
Clarke-Reed	Hornor	Randolph	Weinstein
Cretul	Hudson	Ray	Williams, A.
Crisafulli	Hukill	Reagan	Williams, T.
Cruz	Jenne	Reed	Wood
Culp	Jones	Rehwinkel Vasilinda	Workman
Domino	Kelly	Renuart	Zapata
Dorworth	Kiar	Roberson, K.	
Drake	Kreegel	Roberson, Y.	
Eisnaugle	Kriseman	Rogers	

Nays—2

Gaetz Grady

Votes after roll call:

Yeas—Coley, Robaina

So the bill passed and was immediately certified to the Senate.

CS for SB 46—A bill to be entitled An act for the relief of Edwidge Valmyr Gabriel, as parent and natural guardian of her son, Stanley Valmyr, a minor, and as personal representative of the Estate of Stanley Valmyr, deceased, by the City of North Miami; providing for an appropriation to compensate her for the wrongful death of her son, Stanley Valmyr, as a result of the negligence of the City of North Miami; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1073

Representative Reagan in the Chair.

Yeas—111

Abruzzo	Culp	Homan	Patterson
Adams	Domino	Hooper	Plakon
Adkins	Dorworth	Hornor	Planas
Ambler	Drake	Hudson	Poppell
Anderson	Eisnaugle	Hukill	Porth
Aubuchon	Evers	Jenne	Precourt
Bembry	Fetterman	Jones	Proctor
Bernard	Fitzgerald	Kelly	Rader
Bogdanoff	Flores	Kiar	Randolph
Boyd	Ford	Kreegel	Ray
Brandenburg	Fresen	Kriseman	Reagan
Braynon	Frishe	Legg	Reed
Brisé	Galvano	Llorente	Rehwinkel Vasilinda
Bullard	Garcia	Long	Renuart
Burgin	Gibbons	Lopez-Cantera	Roberson, K.
Bush	Gibson	Mayfield	Roberson, Y.
Cannon	Glorioso	McBurney	Rogers
Carroll	Gonzalez	McKeel	Rouson
Chestnut	Murzin	Murzin	Sachs
Clarke-Reed	Hasner	Nehr	Sands
Cretul	Hays	Nelson	Saunders
Crisafulli	Heller	O'Toole	Schenck
Cruz	Holder	Pafford	Schultz

Schwartz	Steinberg	Tobia	Williams, A.
Skidmore	Taylor	Troutman	Williams, T.
Snyder	Thompson, G.	Van Zant	Workman
Soto	Thompson, N.	Waldman	Zapata
Stargel	Thurston	Weinstein	

Nays—3

Gaetz Grady Wood

Votes after roll call:

Yeas—Coley, Robaina

So the bill passed and was immediately certified to the Senate.

CS for CS for SB 2044—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; delaying the repeal of a provision exempting medical malpractice insurance premiums from emergency assessments to the Hurricane Catastrophe Fund; delaying the date on and after which medical malpractice insurance premiums become subject to emergency assessments; amending s. 624.408, F.S.; revising the minimum surplus as to policyholders which must be maintained by certain insurers; authorizing the Office of Insurance Regulation to reduce the surplus requirement under specified circumstances; amending s. 624.4085, F.S.; defining the term "surplus action level"; expanding the list of items that must be included in an insurer's risk-based capital plan; specifying actions constituting a surplus action level event; requiring that an insurer submit to the office a risk-based capital plan upon the occurrence of such event; providing requirements for such plan; preserving the existing authority of the office; amending s. 624.4095, F.S.; excluding certain premiums for federal multiple-peril crop insurance from calculations for an insurer's gross writing ratio; requiring insurers to disclose the gross written premiums for federal multiple-peril crop insurance in a financial statement; amending s. 626.221, F.S.; exempting certain individuals from the requirement to pass an examination before being issued a license as an agent, customer representative, or adjuster; amending s. 624.424, F.S.; revising the frequency that an insurer may use the same accountant or partner to prepare an annual audited financial report; creating s. 624.611, F.S.; authorizing an insurer to submit to the Office of Insurance Regulation a plan to use financial contracts other than reinsurance contracts to provide catastrophe loss funding; providing requirements for such a plan; authorizing an insurer to take certain action if the office approves such plan; amending s. 626.7452, F.S.; removing an exception relating to the examination of managing general agents; amending s. 626.854, F.S.; providing statements that may be considered deceptive or misleading if made in any public adjuster's advertisement or solicitation; providing a definition for the term "written advertisement"; requiring that a disclaimer be included in any public adjuster's written advertisement; providing requirements for such disclaimer; providing limitations on the amount of compensation that may be received for a reopened or supplemental claim; requiring certain persons who act on behalf of an insurer to provide notice to the insurer, claimant, public adjuster, or legal representative for an onsite inspection of the insured property; authorizing the insured or claimant to deny access to the property if notice is not provided; requiring the public adjuster to ensure prompt notice of certain property loss claims; providing that an insurer be allowed to interview the insured directly about the loss claim; prohibiting the insurer from obstructing or preventing the public adjuster from communicating with the insured; requiring that the insurer communicate with the public adjuster in an effort to reach agreement as to the scope of the covered loss under the insurance policy; prohibiting a public adjuster from restricting or preventing persons acting on behalf of the insured from having reasonable access to the insured or the insured's property; prohibiting a public adjuster from restricting or preventing the insured's adjuster from having reasonable access to or inspecting the insured's property; authorizing the insured's adjuster to be present for the inspection; prohibiting a licensed contractor or subcontractor from adjusting a claim on behalf of an insured if such contractor or subcontractor is not a licensed public adjuster; providing an exception; amending s. 626.8651, F.S.; requiring that a public adjuster apprentice complete a minimum number of

hours of continuing education to qualify for licensure; amending s. 626.8796, F.S.; providing requirements for a public adjuster contract; creating s. 626.70132, F.S.; requiring that notice of a claim, supplemental claim, or reopened claim be given to the insurer within a specified period after a windstorm or hurricane occurs; providing a definition for the terms "supplemental claim" or "reopened claim"; providing applicability; amending s. 626.9744, F.S.; requiring insurers to use retail cost quotations or estimates based on current market prices in determining repair or replacement cost estimates; amending s. 627.0613, F.S.; requiring the office of the consumer advocate to objectively grade insurers annually based on the number of valid consumer complaints and other measurable and objective factors; defining the term "valid consumer complaint"; amending s. 627.062, F.S.; requiring that the office issue an approval rather than a notice of intent to approve following its approval of a file and use filing; prohibiting the Office of Insurance Regulation from, directly or indirectly, prohibiting an insurer from paying acquisition costs based on the full amount of the premium; prohibiting the Office of Insurance Regulation from, directly or indirectly, impeding the right of an insurer to acquire policyholders, advertise or appoint agents, or regulate agent commissions; authorizing an insurer to make a rate filing limited to changes in the cost of reinsurance, the cost of financing products used as a replacement for reinsurance, or changes in an inflation trend factor published annually by the Office of Insurance Regulation; providing that an insurer may use this provision only if the increase from such filing and any other rate filing does not exceed 10 percent for any policyholder in a policy year; deleting provisions relating to a rate filing for financing products relating to the Temporary Increase in Coverage Limits; revising the information that must be included in a rate filing relating to certain reinsurance or financing products; deleting a provision that prohibited an insurer from making certain rate filings within a certain period of time after a rate increase; deleting a provision prohibiting an insurer from filing for a rate increase within 6 months after it makes certain rate filings; specifying the information that an insurer must include in a rate filing based on the change in an inflation trend factor published by the Office of Insurance Regulation; requiring that the office annually publish one or more inflation trend factors; exempting the inflation trend factors from rulemaking; providing that an insurer is not required to adopt an inflation trend factor; requiring the Office of Insurance Regulation to propose a plan for developing a website, contingent upon an appropriation, which provides consumers with information necessary to make an informed decision when purchasing homeowners' insurance; requiring that the Financial Services Commission review the proposed plan to implement the website; specifying matters that the Office of Insurance Regulation must consider in developing the website; deleting obsolete provisions relating to legislation enacted during the 2003 Special Session D of the Legislature; amending s. 627.0629, F.S.; providing legislative intent that insurers provide consumers with accurate pricing signals for alterations in order to minimize losses, but that mitigation discounts not result in a loss of income for the insurer; requiring rate filings for residential property insurance to include actuarially reasonable debits that provide proper pricing; deleting provisions that require the office to develop certain rate differentials for hurricane mitigation measures; providing for an increase in base rates if mitigation discounts exceed the aggregate reduction in expected losses; requiring the Office of Insurance Regulation to reevaluate discounts, debits, credits, and other rate differentials by a certain date; requiring the Office of Insurance Regulation, in consultation with the Department of Financial Services and the Department of Community Affairs, to develop a method for insurers to establish debits for certain hurricane mitigation measures by a certain date; requiring the Financial Services Commission to adopt rules relating to such debits by a certain date; deleting a provision that prohibits an insurer from including an expense or profit load in the cost of reinsurance to replace the Temporary Increase in Coverage Limits; amending s. 627.351, F.S.; renaming the "high-risk account" as the "coastal account"; revising the conditions under which the Citizens policyholder surcharge may be imposed; providing that members of the Citizens Property Insurance Corporation Board of Governors are not prohibited from practicing in a certain profession if not prohibited by law or ordinance; requiring applicants for coverage and policyholders to sign an acknowledgment that a policy may be subject to surcharges under certain circumstances; prohibiting board members from

voting on certain measures; changing the date on which the boundaries of high-risk areas eligible for certain wind-only coverages will be reduced if certain circumstances exist; providing a directive to the Division of Statutory Revision; amending s. 627.4133, F.S.; authorizing an insurer to cancel policies after 45 days' notice if the Office of Insurance Regulation determines that the cancellation of policies is necessary to protect the interests of the public or policyholders; authorizing the Office of Insurance Regulation to place an insurer under administrative supervision or appoint a receiver upon the consent of the insurer under certain circumstances; creating s. 627.41341, F.S.; providing definitions; requiring the delivery of a "Notice of Change in Policy Terms" under certain circumstances; specifying requirements for such notice; specifying actions constituting proof of notice; authorizing policy renewals to contain a change in policy terms; providing that receipt of payment by an insurer is deemed acceptance of new policy terms by an insured; providing that the original policy remains in effect until the occurrence of specified events if an insurer fails to provide notice; providing intent; amending s. 627.7011, F.S.; requiring that an insurer pay the actual cash value of an insured loss, less any applicable deductible, under certain circumstances; requiring that a policyholder enter into a contract for the performance of building and structural repairs; requiring that an insurer pay certain remaining amounts; prohibiting a mortgagor from retaining payments from an insurer for a loss; restricting insurers and contractors from requiring advance payments for certain repairs and expenses; authorizing an insured to make a claim for replacement costs within a certain period after the insurer pays actual cash value to make a claim for replacement costs; requiring an insurer to pay the replacement costs if a total loss occurs; amending s. 627.70131, F.S.; specifying application of certain time periods to initial or supplemental property insurance claim notices and payments; amending s. 627.7015, F.S.; requiring the Department of Financial Services to prepare a statement or information by rule which must be included in a notice by an insurer informing claimants of the right to participate in a mediation program; specifying documentation that an insurer and insured must provide to a mediator in a dispute over an estimate to repair or replace property; requiring the Department of Financial Services to adopt rules specifying the type of documentation that must be submitted during a mediation; defining the term "claim dispute" as it relates to disputes between an insurer and insured; amending s. 627.707, F.S.; revising standards for investigation of sinkhole claims by insurers; specifying requirements for contracts for repairs to prevent additional damage to buildings or structures; providing for applicability; amending s. 627.7073, F.S.; revising requirements for sinkhole reports; providing for applicability; amending s. 627.7074, F.S.; revising requirements and procedures for alternative dispute resolution of sinkhole insurance claims; defining the term "substantially related matter"; providing criteria and procedures for disqualification of neutral evaluators; providing requirements and procedures for neutral evaluators to enlist assistance from other professionals under certain circumstances; providing for applicability; amending s. 627.711, F.S.; revising the list of persons qualified to sign certain mitigation verification forms for certain purposes; authorizing insurers to accept forms from certain other persons; providing requirements for persons authorized to sign mitigation forms; prohibiting misconduct in performing hurricane mitigation inspection or completing uniform mitigation forms causing certain harm; specifying what constitutes misconduct; authorizing certain licensing boards to commence disciplinary proceedings and impose administrative fines and sanctions; providing for liability of mitigation inspectors; requiring certain entities to file reports of evidence of fraud; providing for immunity from liability for reporting fraud; providing for investigative reports from the Division of Insurance Fraud; providing penalties; authorizing insurers to require independent verification of uniform mitigation verification forms; creating s. 628.252, F.S.; requiring that every domestic property insurer notify the office of its intention to enter into certain agreements, contracts, and arrangements; prohibiting a domestic property insurer from entering into such agreements, contracts, or arrangements unless specified criteria are met; preserving the existing authority of the office; providing an appropriation to the Office of Insurance Regulation and authorizing an additional position; providing effective dates.

—was read the third time by title.

Representative Proctor offered the following:

(Amendment Bar Code: 028585)

Amendment 2—Remove lines 1048-1057 and insert:

(3)(a) In determining repair or replacement cost estimates, the insurer shall use the following:

1. The cost using quotations obtained from licensed contractors, a preferred vendor network, a replacement service, or establishments in the local market area.

2. Computer software, other databases, or estimates based on market prices for products, materials, and labor in the local geographic region, if the estimates are provided by the insurer to the first-party insured upon request and if allowable by the insurer's contract for the proprietary computer software or other database.

3. A method agreed to by all parties.

(b) This subsection does not impair the contractual obligations of the parties.

Rep. Proctor moved the adoption of the amendment.

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 1074].

The question recurred on the adoption of **Amendment 2**, which failed to receive the required two-thirds vote for adoption. The vote was:

Session Vote Sequence: 1075

Representative Reagan in the Chair.

Yeas—62

Adams	Fresen	Kreegel	Reagan
Adkins	Frishe	Legg	Roberson, K.
Aubuchon	Gaetz	Lopez-Cantera	Schenck
Bogdanoff	Galvano	Mayfield	Schultz
Burgin	Glorioso	McBurney	Snyder
Cannon	Grady	McKeel	Stargel
Carroll	Grimsley	Murzin	Tobia
Cretul	Hasner	Nehr	Troutman
Crisafulli	Hays	Nelson	Van Zant
Culp	Holder	O'Toole	Weinstein
Domino	Homan	Patterson	Williams, T.
Dorworth	Hooper	Plakon	Wood
Drake	Horner	Poppell	Workman
Eisnaugle	Hudson	Precourt	Zapata
Evers	Hukill	Proctor	
Ford	Kelly	Ray	

Nays—53

Abruzzo	Fetterman	Pafford	Saunders
Ambler	Fitzgerald	Planas	Schwartz
Anderson	Flores	Porth	Skidmore
Bembry	Garcia	Rader	Soto
Bernard	Gibbons	Randolph	Steinberg
Boyd	Gibson	Reed	Taylor
Brandenburg	Gonzalez	Rehwinkel Vasilinda	Thompson, G.
Braynon	Heller	Renuart	Thompson, N.
Brisé	Jenne	Robaina	Thurston
Bullard	Jones	Roberson, Y.	Waldman
Bush	Kiar	Rogers	Williams, A.
Chestnut	Kriseman	Rouson	
Clarke-Reed	Llorente	Sachs	
Cruz	Long	Sands	

Votes after roll call:

Yeas—Coley

Motion

Rep. Hasner moved the previous question on the bill, which was agreed to.

The question recurred on the passage of CS for CS for SB 2044. The vote was:

Session Vote Sequence: 1076

Representative Reagan in the Chair.

Yeas—72

Abruzzo	Eisnaugle	Kreegel	Renuart
Adams	Evers	Legg	Roberson, K.
Adkins	Ford	Long	Sachs
Aubuchon	Fresen	Mayfield	Schenck
Bembry	Frishe	McBurney	Schultz
Bernard	Gaetz	McKeel	Snyder
Bogdanoff	Glorioso	Murzin	Stargel
Boyd	Grady	Nehr	Taylor
Burgin	Grimsley	Nelson	Thompson, N.
Cannon	Hays	O'Toole	Tobia
Carroll	Heller	Patterson	Troutman
Chestnut	Holder	Plakon	Van Zant
Cretul	Homan	Poppell	Weinstein
Crisafulli	Hooper	Precourt	Williams, A.
Culp	Homer	Proctor	Williams, T.
Domino	Hudson	Rader	Wood
Dorworth	Hukill	Ray	Workman
Drake	Kelly	Reagan	Zapata

Nays—44

Ambler	Fitzgerald	Llorente	Rogers
Anderson	Flores	Lopez-Cantera	Rouson
Bovo	Galvano	Pafford	Sands
Brandenburg	Garcia	Planas	Saunders
Braynon	Gibbons	Porth	Schwartz
Brisé	Gibson	Randolph	Skidmore
Bullard	Gonzalez	Reed	Soto
Bush	Jenne	Rehwinkel Vasilinda	Steinberg
Clarke-Reed	Jones	Rivera	Thompson, G.
Cruz	Kiar	Robaina	Thurston
Fetterman	Kriseman	Roberson, Y.	Waldman

Votes after roll call:

Yeas—Coley

Yeas to Nays—Fresen

So the bill passed, as amended, and was immediately certified to the Senate.

THE SPEAKER IN THE CHAIR

Remarks

The Speaker recognized Speaker pro tempore Reagan, who made brief farewell remarks.

Motion to Adjourn

Rep. Cannon moved that the House, after receiving reports, adjourn for the purpose of holding council and committee meetings and conducting other House business, to reconvene at 9:00 a.m., Thursday, April 29, 2010, or upon call of the Chair. The motion was agreed to.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Ambler:

Yeas—April 27: 1003

Rep. Cannon:

Nays—April 27: 1003

Rep. Frishe:

Yeas—April 26: 947

Rep. Holder:

Yeas—April 1: 670; April 22: 870, 881; April 23: 919, 927

Rep. Murzin:

Nays—April 27: 1001

Rep. Nelson:

Yeas—April 26: 945, 946, 955; April 27: 1001

Rep. Planas:

Yeas—April 26: 993, 994

Rep. Rehwinkel Vasilinda:

Yeas—April 26: 993

Rep. Y. Roberson:

Yeas—March 18: 598, 600; April 7: 702, 704; April 15: 773, 781; April 20: 816; April 21: 840, 856, 857; April 22: 891; April 26: 996

Nays—March 18: 591, 592, 593, 594, 595, 596, 597, 599

Yeas to Nays—March 18: 600

Nays to Yeas—March 18: 595, 596, 597

Rep. Rogers:

Yeas to Nays—April 26: 965

Rep. Schultz:

Yeas—April 22: 875, 897

Rep. Troutman:

Yeas—April 27: 1003

First-named Sponsors

HB 5—Kelly

HB 1163—Burgin

HB 1165—Burgin

Cosponsors

HB 5—Y. Roberson

CS/CS/HB 187—Adkins, Fetterman

CS/CS/HB 225—Brandenburg, Glorioso

CS/CS/CS/HB 561—Abruzzo, Porth, Schwartz

CS/CS/HB 709—Brandenburg

HB 743—Brandenburg

CS/CS/HB 1033—Y. Roberson

CS/HM 1535—Snyder

HJR 1553—Y. Roberson

CS for HM 1589 & HM 1365—Evers

CS/HB 7215—Abruzzo

Excused

Rep. Coley after 1:00 p.m.; Rep. Patronis after 9:19 a.m.; Rep. Weatherford after 1:00 p.m.

The following Conference Committee Managers were excused in order to conduct business with their Senate counterparts:

HB 5001, and related legislation (HB 5003, CS/HB 5101, HB 5201, HB 5301, HB 5303, HB 5305, HB 5307, HB 5309, HB 5311, CS/HB 5401, HB 5403, HB 5501, CS/HB 5503, HB 5505, HB 5601, HB 5603, HB 5605, HB 5607, CS/HB 5611, HB 5701, HB 5703, HB 5705, HB 5707, HB 5709, HCR 5711, HB 5713, CS/HB 5801, CS for CS for SB 1238, CS for SB 1396, CS for SB 1436, CS for SB 1442, CS for CS for SB 1484, CS for SB 1508, CS for SB 1510, CS for SB 1514, CS for CS for SB 1516, CS for SB 1592, CS for SB 1646, CS for SB 2020, CS for SB 2024, CS for SB 2374, and CS for SB 2386), to serve with Rep. Rivera, Chair, and Rep. Grimsley, Acting Chair: PreK-12 Appropriations Committee—Rep. Flores, Chair, and Reps. Bullard, Clarke-

Reed, Coley, Fresen, Kiar, Legg, and Stargel; State Universities & Private Colleges Appropriations—Rep. Proctor, Chair, and Reps. Bernard, Brisé, Burgin, Dorworth, Jones, McKeel, O'Toole, and Reed; Transportation & Economic Development Appropriations—Rep. Glorioso, Chair, and Reps. Carroll, Fitzgerald, Gibson, Jenne, Horner, Hukill, Murzin, Patronis, Rogers, and Schenck; Criminal & Civil Justice Appropriations—Rep. Adams, Chair, and Reps. Eisnagle, Holder, Kreegel, McBurney, Porth, Rouson, Soto, and Tobia; Government Operations Appropriations—Rep. Hays, Chair, and Reps. Abruzzo, Braynon, Gonzalez, Nelson, Ray, A. Williams, and Workman; Health Care Appropriations—Rep. Grimsley, Chair, and Reps. Chestnut, Ford, Frishe, Hudson, Y. Roberson, Skidmore, and N. Thompson; Natural Resources Appropriations—Rep. Poppell, Chair, and Reps. Bembry, Boyd, Brandenburg, Crisafulli, Plakon, Precourt, and T. Williams; Full Committee—At Large: Reps. Aubuchon, Bogdanoff, Galvano, Gibbons, Hasner, Lopez-Cantera, Reagan, Sands, G. Thompson, Thurston, and Weatherford.

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 4:14 p.m., to reconvene at 9:00 a.m., Thursday, April 29, 2010, or upon call of the Chair.

CHAMBER ACTIONS ON BILLS

Wednesday, April 28, 2010

SB	12 — Read 3rd time; Passed; YEAS 112, NAYS 3	SB	808 — Read 3rd time; Passed; YEAS 117, NAYS 0
CS for SB	30 — Read 3rd time; CS passed; YEAS 112, NAYS 3	CS for SB	814 — Read 2nd time; Read 3rd time; CS passed; YEAS 113, NAYS 0
CS for SB	46 — Read 3rd time; CS passed; YEAS 111, NAYS 3	CS for CS for SB	846 — Read 3rd time; CS passed; YEAS 112, NAYS 3
CS for SB	50 — Read 3rd time; CS passed; YEAS 113, NAYS 3	CS for CS for SB	850 — Read 3rd time; CS passed; YEAS 114, NAYS 0
SB	54 — Read 3rd time; Passed; YEAS 111, NAYS 3	CS for CS for SB	926 — Read 3rd time; CS passed; YEAS 119, NAYS 0
CS for SB	60 — Read 3rd time; Amendment 204693 adopted; CS passed as amended; YEAS 110, NAYS 3	CS for SB	962 — Read 3rd time; CS passed; YEAS 115, NAYS 0
CS for SB	140 — Read 3rd time; CS passed; YEAS 116, NAYS 0	CS for CS for SB	982 — Read 3rd time; CS passed; YEAS 112, NAYS 0
SB	150 — Read 3rd time; Amendment 771551 adopted; Passed as amended; YEAS 116, NAYS 0	CS for CS for SB	998 — Read 3rd time; CS passed; YEAS 119, NAYS 0
SB	166 — Read 3rd time; Passed; YEAS 109, NAYS 0	CS for CS for SB	1004 — Read 3rd time; CS passed; YEAS 113, NAYS 0
CS for SB	200 — Read 3rd time; CS passed; YEAS 114, NAYS 0	CS for SB	1012 — Read 3rd time; CS passed; YEAS 117, NAYS 0
CS for SB	206 — Read 3rd time; CS passed; YEAS 115, NAYS 0	CS for CS for SB	1050 — Read 3rd time; CS passed; YEAS 118, NAYS 0
CS for SB	312 — Read 3rd time; CS passed; YEAS 116, NAYS 0	CS for CS for SB	1058 — Read 3rd time; CS passed; YEAS 113, NAYS 1
CS for SB	318 — Read 3rd time; CS passed; YEAS 116, NAYS 0	CS for SB	1072 — Read 3rd time; CS passed as amended; YEAS 118, NAYS 0
CS for CS for SB	366 — Read 3rd time; CS passed; YEAS 115, NAYS 0	CS for SB	1118 — Read 3rd time; CS passed as amended; YEAS 113, NAYS 1
CS for SB	370 — Read 3rd time; CS passed; YEAS 115, NAYS 2	SB	1136 — Read 3rd time; Passed; YEAS 114, NAYS 0
CS for CS for SB	434 — Read 3rd time; CS passed; YEAS 110, NAYS 0	SB	1150 — Read 3rd time; Passed; YEAS 114, NAYS 0
CS/CS/HB	447 — Temporarily postponed, on 3rd Reading	CS for CS for SB	1152 — Read 3rd time; CS passed; YEAS 116, NAYS 0
SB	488 — Read 3rd time; Passed; YEAS 112, NAYS 0	SB	1166 — Read 3rd time; Amendment 166031 Failed; Passed as amended; YEAS 65, NAYS 47
CS for SB	492 — Read 3rd time; CS passed; YEAS 118, NAYS 1	CS for SB	1178 — Read 3rd time; CS passed; YEAS 110, NAYS 0
SB	502 — Read 3rd time; Passed; YEAS 119, NAYS 0	CS for CS for SB	1196 — Read 3rd time; Amendment 705061 Failed; Amendment 029719 Failed; Amendment 757793 Failed; Amendment 602859 Failed; CS passed; YEAS 107, NAYS 4
CS/CS/HB	513 — Temporarily postponed, on 3rd Reading	CS/HB	1297 — Substituted SB 2470; Laid on Table, refer to SB 2470
CS for CS for CS for SB	550 — Read 2nd time; Amendment 473419 adopted; Amendment 565511 adopted; Amendment 282919 adopted; Amendment 779711 adopted; Amendment 558839 adopted; Read 3rd time; CS passed as amended; YEAS 76, NAYS 37	CS for SB	1306 — Read 3rd time; CS passed; YEAS 109, NAYS 0
CS/CS/CS/HB	617 — Temporarily postponed, on 3rd Reading	CS for CS for SB	1412 — Read 3rd time; CS passed as amended; YEAS 115, NAYS 0
CS for CS for SB	644 — Read 3rd time; CS passed; YEAS 112, NAYS 0	CS for SB	1612 — Read 3rd time; CS passed; YEAS 113, NAYS 1
CS for CS for CS for SB	694 — Read 3rd time; CS passed; YEAS 118, NAYS 0	SB	1678 — Read 3rd time; Passed; YEAS 115, NAYS 0
CS for SB	704 — Read 3rd time; CS passed; YEAS 119, NAYS 0	CS for SB	1730 — Read 3rd time; CS passed; YEAS 112, NAYS 0
CS for CS for CS for SB	742 — Read 3rd time; CS passed; YEAS 116, NAYS 0		
CS for SB	768 — Read 3rd time; CS passed; YEAS 114, NAYS 0		

CS for CS for SB	1736	— Read 3rd time; Amendment 915433 Failed; CS passed; YEAS 113, NAYS 2	CS for CS for SB	2176	— Read 2nd time; Amendment 054589 adopted; Amendment 535867 adopted; Amendment 842183 adopted; Read 3rd time; CS passed as amended; YEAS 107, NAYS 0
CS for SB	1752	— Read 3rd time; Amendment 223839 adopted; Amendment 457811 adopted; CS passed as amended; YEAS 117, NAYS 0	CS for CS for SB	2272	— Read 3rd time; CS passed as amended; YEAS 116, NAYS 0
CS for CS for SB	1842	— Read 3rd time; CS passed; YEAS 118, NAYS 0	SB	2470	— Read 3rd time; Substituted for CS/HB 1297; Passed; YEAS 116, NAYS 0
CS for CS for SB	1964	— Read 3rd time; Amendment 329853 Failed; CS passed; YEAS 111, NAYS 2	CS/CS/HB	7209	— Temporarily postponed, on 3rd Reading
CS for CS for CS for SB	2014	— Read 3rd time; CS passed; YEAS 113, NAYS 0	HB	7217	— Read 3rd time; Passed; YEAS 111, NAYS 1
CS for CS for SB	2044	— Read 3rd time; Amendment 028585 Failed; CS passed as amended; YEAS 72, NAYS 44	HB	7233	— Substituted CS/CS/CS/SB 2086; Laid on Table, refer to CS/CS/CS/SB 2086
CS for SB	2046	— Read 3rd time; CS passed; YEAS 113, NAYS 0			
CS for CS for CS for SB	2086	— Read 3rd time; Substituted for HB 7233; CS passed; YEAS 114, NAYS 0			

JOURNAL OF THE HOUSE OF REPRESENTATIVES

DAILY INDICES FOR

April 28, 2010

NUMERIC INDEX

HB 5—	1256	CS for CS for SB 982	1191
SB 12	1228	CS for CS for SB 998	1217
CS for SB 30	1229	CS for CS for SB 1004	1214
CS for SB 46	1247, 1253	CS for SB 1012	1218
CS for SB 50	1229	CS/CS/HB 1033—	1256
SB 54	1229	CS for CS for SB 1050	1218
CS for SB 60	1230	CS for CS for SB 1058	1221
CS for SB 140	1219	CS for SB 1072	1219
SB 150	1223-1224	CS for SB 1118	1191
SB 166	1220	SB 1136	1192
CS/CS/HB 187—	1256	SB 1150	1197
CS for SB 200	1222	CS for CS for SB 1152	1192
CS for SB 206	1220	HB 1163—	1256
CS/CS/HB 225—	1256	HB 1165—	1256
CS for SB 312	1214	SB 1166	1228
CS for SB 318	1202	CS for SB 1178	1212
CS for CS for SB 366	1215	CS for CS for CS for SB 1196	1202, 1212
CS for SB 370	1215	CS for SB 1306	1220
CS for CS for SB 434	1228	CS for CS for SB 1412	1193
CS/CS/HB 447	1185	CS/HM 1535—	1256
SB 488	1224	HJR 1553—	1257
CS for SB 492	1215	CS for HM 1589 & HM 1365—	1257
SB 502	1216	CS for SB 1612	1212
CS/CS/HB 513	1185	SB 1678	1196
CS for CS for CS for SB 550	1239	CS for SB 1730	1197
CS/CS/CS/HB 561—	1256	CS for CS for SB 1736	1196, 1247, 1253
CS/CS/CS/HB 617	1190	CS for SB 1752	1197, 1201
CS for CS for SB 644	1213	CS for CS for SB 1842	1225
CS for CS for CS for SB 694	1226	CS for CS for SB 1964	1201
CS for SB 704	1216	CS for CS for CS for SB 2014	1222
CS/CS/HB 709—	1256	CS for CS for SB 2044	1247, 1254, 1256
CS for CS for CS for SB 742	1227	CS for SB 2046	1192
HB 743—	1256	CS for CS for CS for SB 2086	1185, 1189
CS for SB 768	1224	CS for CS for SB 2176	1230
SB 808	1217	CS for CS for SB 2272	1225
CS for SB 814	1246	SB 2470	1190
CS for CS for CS for SB 846	1190	CS/CS/HB 7209	1185
CS for CS for SB 850	1221	CS/HB 7215—	1257
CS for CS for SB 926	1216	HB 7217	1185
CS for SB 962	1225		

SUBJECT INDEX

Bills and Joint Resolutions on Third Reading	1247	Special Orders	1230
Excused	1257	Votes After Roll Call	1256
Reports of Standing Councils and Committees	1184		